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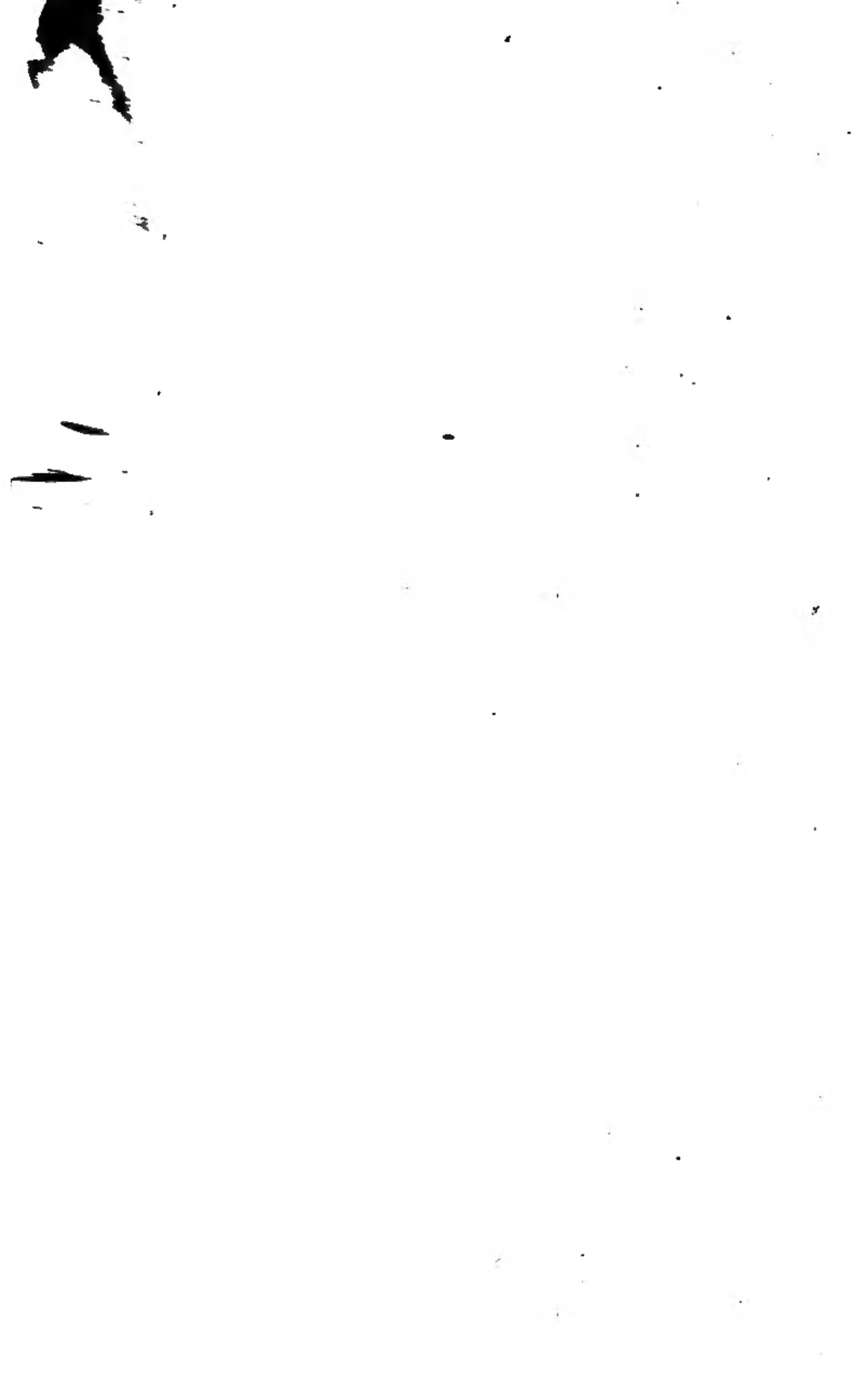
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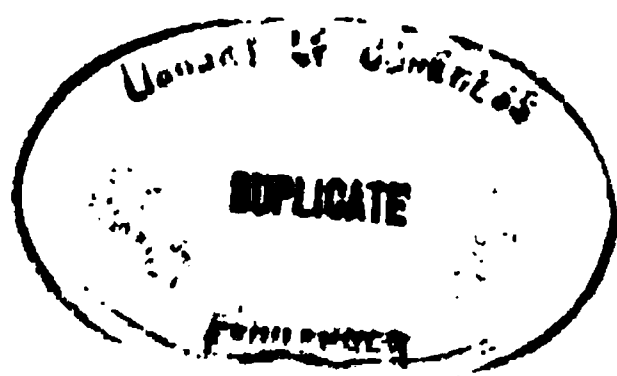


**JOURNAL**  
**OF THE**  
**S E N A T E**  
**OF THE**  
**STATE OF NEW YORK:**  
**AT THEIR**  
**NINETY-FIFTH SESSION.**

**BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF ALBANY, ON  
THE SECOND DAY OF JANUARY, 1872.**

**ALBANY:**  
**THE ARGUS COMPANY, PRINTERS.**  
**1872.**

Enclosure Department of  
the State





# JOURNAL OF THE SENATE.

## STATE OF NEW YORK:

### SENATE CHAMBER, IN THE CITY OF ALBANY.

TUESDAY, JANUARY 2, 1872.

Pursuant to the sixth section of the tenth article of the Constitution of the State of New York, designating the first Tuesday in January, in each year, for the time of the meeting of the Legislature, the Hon. Allen C. Beach, Lieutenant-Governor, and the following Senators from the several districts of the State, appeared in the Senate, to wit:

District Number One .....	Townsend D. Cook.
District Number Two .....	John C. Perry.
District Number Three .....	
District Number Four .....	
District Number Five .....	Erastus C. Benedict.
District Number Six .....	Augustus Weisman.
District Number Seven .....	James O'Brien.
District Number Eight .....	Daniel F. Tieman.
District Number Nine .....	William H. Robertson.
District Number Ten .....	Edward M. Madden.
District Number Eleven .....	Abiah W. Palmer.
District Number Twelve .....	Isaac V. Baker, Jr.
District Number Thirteen .....	Charles H. Adams.
District Number Fourteen .....	Jacob Hardenbergh.
District Number Fifteen .....	Webster Wagner.
District Number Sixteen .....	Samuel Ames.
District Number Seventeen .....	Wells S. Dickinson.
District Number Eighteen .....	Norris Winslow.
District Number Nineteen .....	Samuel S. Lowery.
District Number Twenty .....	Archibald C. McGowan.
District Number Twenty-one .....	William Foster.
District Number Twenty-two .....	Daniel P. Wood.
District Number Twenty-three .....	James H. Graham.
District Number Twenty-four .....	Thomas I. Chatfield.
District Number Twenty-five .....	William B. Woodin.
District Number Twenty-six .....	William Johnson.
District Number Twenty-seven .....	Gabriel T. Harrower.
District Number Twenty-eight .....	Jarvis Lord.
District Number Twenty-nine .....	George Bowen.
District Number Thirty .....	James Wood.
District Number Thirty-one .....	Loren L. Lewis.
District Number Thirty-two .....	Norman M. Allen.

Prayer was offered by Rev. Dr. Clark.

The Senators having taken and subscribed the constitutional oath of office, the President declared the Senate organized and ready to proceed to business.

The Lieutenant Governor rose and addressed the Senate as follows:

**SENATORS.**—The Constitution makes it my duty to preside in the Senate. I shall endeavor to perform that duty faithfully and impartially, trusting that the courtesy and forbearance of which I have been the recipient in the past will be extended to me in the future.

Since the adjournment of the Legislature the standard of reform has been uplifted, and good men, irrespective of their political relations, have rallied around it. This did not occur a moment too soon. Demoralization was pervading almost every department of public life. Constitutional obligations were being subordinated to the supposed exigencies of the hour. Peculations, defalcations, and reckless extravagance were so common as scarcely to attract attention. Patriotic men were beginning to despair of the republic. In a reaction, which seems to have commenced, rests the only hope for the perpetuity of self-government. Let no portion of the newspaper press, that eloquent voice which daily addresses an audience numbered by millions, and which forms and controls public opinion, relapse into silence because a temporary partizan advantage may have been gained. Let no good citizen falter in this fight through apprehension that men, high or low, in his party may be wounded if the battle progresses. Let your action, Senators of the great State of New York, be, as it doubtless will, on the side of the right in this contest, and you will deserve and receive the commendation of your consciences, of your constituents, and of your country.

Mr. D. P. Wood offered the following:

*Resolved*, That James Terwilliger be and he is hereby appointed Clerk of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Graham offered the following:

*Resolved*, That Edwin J. Loomis be and he is hereby appointed sergeant-at-arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Winslow offered the following:

*Resolved*, That Herman Rulison be and he is hereby appointed assistant sergeant-at-arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Harrower offered the following:

*Resolved*, That John Laidlow be and he is hereby appointed assistant postmaster of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lowery offered the following:

*Resolved*, That Daniel K. Schram be and he is hereby appointed door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

JAN. 2.]

Mr. Madden offered the following :

*Resolved*, That Herman B. Young be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following :

*Resolved*, That Thomas C. Bridges be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Chatfield offered the following :

*Resolved*, That Richard S. Stout be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. L. Wood offered the following :

*Resolved*, That L. L. Chaffee be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Baker offered the following :

*Resolved* That Lemuel Hurlburt be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lewis offered the following :

*Resolved*, That John D. Lonergan be and he is hereby appointed assistant door-keeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Adams offered the following :

*Resolved*, That Wm. H. Johnson be and he is hereby appointed janitor of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer offered the following :

*Resolved*, That Jeremiah S. Pierce be and he is hereby appointed keeper of the Senate Chamber.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen offered the following :

*Resolved*, That a committee of two be appointed to wait upon the Honorable the Assembly and inform that body that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. Bowen and Baker.

Mr. J. Wood offered the following :

*Resolved*, That a committee of two be appointed to wait upon His Excellency the Governor and inform him that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. J. Wood and Lord. Mr. Robertson offered the following:

*Resolved*, That the Senate will meet daily at 11 o'clock A. M. until otherwise ordered.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Adams offered the following:

*Resolved*, That the Clerk of the Senate be directed to invite the clergymen of the city of Albany having charge of religious congregations to open the daily sittings of the Senate with prayer, and to attend in such order as shall best suit their convenience.

Mr. Baker moved to amend by including also the clergymen of Troy and Cohoes.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Woodin offered the following:

*Resolved*, That the rules of the last Senate be adopted for the government of this Senate, except rule three, until otherwise ordered, and that a committee of three be appointed to revise the rules.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin offered the following:

*Whereas*, The Legislature of the State of New York, at its annual session in 1870, adopted a preamble and resolution in the words and figures following, to wit:

*"Whereas*, At the last session of the Legislature of this State a preamble and concurrent resolution were adopted in the words and figures following, to wit:

*"Whereas*, At the session of the fortieth Congress it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article shall be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which amendment, when it shall have been ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

#### "ARTICLE FIFTEEN.

"§ 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

"§ 2. The Congress shall have power to enforce this article by appropriate legislation.

*"Therefore, Resolved* (if the Assembly concur), That the said proposed amendment to the Constitution be, and the same is hereby ratified by the Legislature of the State of New York.

*"And whereas*, The proposed Fifteenth Amendment, above recited, has not been ratified by the Legislatures of three-fourths of the several States, and has not become a part of the Constitution of the United States; and whereas the State of New York, represented in the Legislature here now assembled, desire to withdraw the consent expressed in the above recited concurrent resolutions;

*“Now, therefore, be it Resolved* (if the Assembly concur), That the above recited concurrent resolution be, and it is hereby repealed, rescinded, and amended.

*“And be it further Resolved* (if the Assembly concur), That the Legislature of the State of New York refuse to ratify the above recited proposed Fifteenth Amendment to the Constitution of the United States, and withdraw absolutely any expression of consent heretofore given thereto or ratification thereof.

*“Be it further Resolved* (if the Assembly concur), That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States at Washington, and to every member of the Senate and House of Representatives of the United States, and the Governors of the several States.”

*And whereas*, The said preamble and resolution were transmitted to and are now on file in the Department of State at Washington, purporting to withdraw the assent of the people of the State of New York to the Fifteenth Amendment to the Federal Constitution, previously given by the Legislature of this State, to which said amendment had been regularly proposed; and whereas the action of the Legislature of 1870, in entertaining and adopting the said preamble and resolution, is deemed an unwarranted assumption of authority over a subject-matter not within its prerogatives.

*And whereas*, It is desirable that the record of the State of New York shall be clear and unequivocal in favor of the said Fifteenth Amendment, therefore,

*Resolved* (if the Assembly concur), That the preamble and resolutions adopted by the Legislature of this State in 1870, purporting to withdraw the assent of the people of this State previously given to the Fifteenth Amendment of the Federal Constitution, be and the same are hereby rescinded.

*Resolved* (if the Assembly concur), That the Secretary of the Department of State at Washington be and he is hereby requested (if not inconsistent with the rules and regulations of his Department) to return to the Governor of this State the preamble and resolutions of the Legislature of this State, passed in 1870, and now on file in his office, which purport to withdraw the assent of the people of this State to the adoption of the Fifteenth Amendment of the Federal Constitution.

*Resolved* (if the Assembly concur), That the Governor be and he is hereby requested to transmit a copy of this preamble and the resolutions accompanying the same to the Secretary of State of the United States.

*Ordered*, That said resolutions be laid on the table.

Mr. J. Wood, from the committee appointed to wait upon His Excellency the Governor and inform him that the Senate is organized and ready to proceed to business, reported that they had discharged that duty, and that the Governor informed him that he would communicate with the Senate in writing.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled “An act to repeal an act entitled ‘An act to amend chapter 278 of the Laws of 1868 entitled “An act in relation to the Erie, New York Central, Hudson River, and Harlem Railroad Companies,’ ” passed May 20, 1869,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to intro-

duce a bill entitled "An act to amend the charter of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on municipal affairs.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds, and to substitute therefor bonds of a larger denomination," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The President presented the annual report of the New Capitol Commissioners, which was laid on the table and ordered printed.

(See Doc. No. 5.)

On motion of Mr. Perry, the Senate took a recess for half an hour.

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12:45 O'CLOCK, P. M.

The Senate again met.

Mr. Bowen, from the committee appointed to wait upon the Assembly and inform that body that the Senate was organized and ready to proceed to business, reported that they had discharged that duty.

Messrs. Alberger and D. B. Hill, a committee from the Assembly, appeared in the Senate, and announced that the Assembly was organized and ready to proceed to business.

A message from His Excellency the Governor was received and read in the words following:

EXECUTIVE CHAMBER,  
ALBANY, January 2, 1872. }

*To the Legislature:*

It is my duty to make known to you the general condition of the State, and to recommend to you such matters as I judge expedient.

#### STATE DEBT.

The unpaid principal of the war bounty debt was, on the 30th September last (\$16,887,206.57) sixteen millions eight hundred and eighty-seven thousand two hundred and six dollars and fifty-seven cents. This portion of our debt will by the annual tax provided by the terms of the act authorizing the loan, be paid in full in about five years. It was contracted and is to be paid in our present legal-tender currency.

The residue of the State debt, which amounts to (\$12,595,495.95) twelve millions five hundred and ninety-five thousand four hundred and ninety-five dollars and ninety-five cents, was contracted before the war, in gold, and the honor of the State and good faith demand that it shall be paid, both principal and interest, in gold coin. It is to be paid (except \$48,860.11 loan of credit to the Long Island Railroad) out of revenues pledged for the purpose, and not by taxation, unless the sinking funds "shall prove insufficient to enable the State, on the credit of such funds, to procure the means to satisfy the claims of the creditors of the State as they become payable."

Of this last-mentioned species of debt (\$2,257,900) two millions two hundred and fifty-seven thousand and nine hundred dollars of principal will be due on the 1st of July next, and (\$847,500) eight hundred and forty-seven thousand and five hundred dollars of principal will be due on



the 1st of January, 1873. The Comptroller is of the opinion, in which I concur, that there will be no difficulty in obtaining the means of meeting these payments, on the credit of the sinking funds, as authorized by the Constitution.

The entire State debt was, on the 30th of September last, (\$29,482,702.52) twenty-nine millions four hundred and eighty-two thousand seven hundred and two dollars and fifty two cents, the amount of principal paid in the last year being (\$2,926,441.74) two millions nine hundred and twenty-six thousand four hundred and forty-one dollars and seventy-four cents.

#### TAXES.

The State tax levied the past year is five mills and seventy-nine one hundred and twentieths of a mill. Of this tax, two mills were required for the annual payment on the war bounty debt, one mill and a quarter for the support of the public schools, three-eighths of a mill to meet payments for work on the new Capitol, seventy-nine one hundred and twentieths of a mill for canals, and one mill and three-eighths of a mill for general purposes. The total yield of the State tax is eleven millions six hundred and thirteen thousand nine hundred and forty-three dollars and sixty-one cents.

#### NEW CAPITOL.

The new capitol commissioners report to me that of the six hundred and fifty thousand dollars appropriated by the Legislature at its last session, they have expended three hundred and forty-three thousand six hundred and thirty-one dollars and thirty-one cents up to the twenty-second day of November last; making, with what has been previously reported, about two millions thus far expended on the construction of the building, independent of about six hundred and fifty thousand dollars paid for land.

#### SALT SPRINGS.

The quantity of salt from the Onondaga salt springs, inspected during the last fiscal year, was eight millions five hundred and seventy-nine thousand one hundred and ninety-three bushels. This shows a decrease of production, compared with the previous year, of two hundred and seventy-two thousand and fifty-four bushels. The net revenue to the State has been twenty-six thousand six hundred and fifty-six dollars and seventy-nine cents, which is seven thousand two hundred and fifty-four dollars and twenty-eight cents less than that of the previous year.

#### BANKS.

On the 1st of October last, sixty-nine banks were doing business under the banking law of this State. During the fiscal year circulating notes to the amount of forty-seven thousand seven hundred and seventy-seven dollars have been destroyed by the department. Twelve banks have been credited with lost circulation to the amount, in all, of sixty-four thousand seven hundred and twenty-five dollars; the time for redeeming the same, after the usual legal notice, having expired.

The amount of circulation outstanding, including that of incorporated banks, banking associations, and individual bankers, was, on the 1st of October last, two millions one hundred and forty-one thousand four hundred and thirty-five dollars and fifty cents. Of this amount, the sum of one million three hundred and eighty-three thousand five hundred and

twenty-five dollars is secured by deposits of stocks, mortgages, and cash. The residue, being circulation issued by incorporated banks in existence prior to the passage of the general banking law, is, of course, not secured by any deposit in the bank department.

#### SAVINGS BANKS.

There were, on the 1st of July last, one hundred and forty-three savings banks doing business in the State, with assets to the amount, in the aggregate, of two hundred and sixty-six millions two hundred and fifty-three thousand five hundred and ninety-four dollars. These assets may now be estimated, upon the ratio of increase of the year before, at two hundred and eighty millions of dollars. The number of persons having deposits in these institutions was, on the 1st of January, 1871, seven hundred and twelve thousand one hundred and nine.

I ask your especial attention to the necessity of being very cautious in the enactment of charters for savings banks. Some failures have occurred among this class of institutions during the past year. Being intended to induce saving habits among those of small means, by enabling them to obtain interest on the sums which they can, from time to time, lay aside from their daily earnings, it is the duty of the Legislature to provide in their charters every possible safeguard for the protection of the depositors. The object kept in view should be security more than high interest.

At my instance (Senator Palmer, then chairman of the Senate committee on banks, cordially co-operating with me), a law was passed at the legislative session of 1869 (chapter 213 of the Laws of that year), requiring that all persons desiring to organize a savings bank should execute a certificate, setting forth the name of their projected institution, its intended place of business, the name, residence, occupation and post-office address of each member of the association, and containing a declaration from each one of them that he is willing to accept the duties of a trustee in such institution; and requiring that such certificate, with a copy of the proposed charter, be filed with the Superintendent of the Banking Department, at least sixty days before the annual session of the Legislature. The law provides also that notice of intention to organize such an institution, giving the particulars contained in the certificate, shall be published in a newspaper of the neighborhood where it is proposed to be established, for six weeks. It then makes it the duty of the Superintendent of the Banking Department to transmit to the Legislature at its next meeting, a report concerning the expediency of incorporating each one of such proposed institutions. Every legislative committee to whom a bill for incorporating a savings bank shall be referred, which has been introduced otherwise than in the manner and with the preliminaries above described, is, by the terms of this law, required to report against the passage thereof. Of course, this law may be disregarded by a subsequent Legislature; but I recommend a strict compliance, on your part, with its provisions, as calculated to avoid a needless increase of these institutions and to guard against carelessly framed charters. I recommend to your consideration the propriety of restricting, by a general law, applicable to all savings banks, the amount which may be held on deposit for any one depositor, to a moderate sum. Those who deal in large amounts are usually capable of providing investments for themselves. It is not right that the funds of this latter class of persons should be mingled with those of less means, whose circumstances require

a peculiar class of institutions, and for whom, specially, savings banks were created.

The tendency of late years to careless legislation in respect to savings banks and other moneyed incorporations, is shown by the fact that during the three years of my administration, I have found myself obliged to refuse my signature to sixty-eight bills for the incorporation of or increasing the powers of savings banks and other moneyed institutions under various names.

In connection with this topic, I call your attention to article 8, section 1, of the Constitution, providing that "corporations shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be obtained under general laws." Of late years there has been a tendency to overlook the intent of this limitation upon legislative power. It is true, the judgment of the Legislature is to decide whether, in any special case, they are justified in disregarding the general prohibition. This discretion, however, should be exercised not arbitrarily, but in harmony with the purpose and intent of the whole section; which was, obviously, to take away from the Legislature the right of creating corporations by special act, except where it was very clear that the object could not be obtained under general laws.

INSURANCE DEPARTMENT.

The number of insurance companies subject to the supervision of the Insurance Department was, on the first day of December, 1871, 238, as follows :

New York joint stock fire insurance companies .....	84
New York mutual insurance companies.....	10
New York marine insurance companies .....	9
New York life insurance companies .....	40
Fire insurance companies of other States.....	53
Marine insurance companies of other States.....	2
Life insurance companies of other States.....	30
Casualty insurance companies of other States.....	3
Foreign insurance companies .....	7
Total.....	238

The total amount of stocks and mortgages held by the department for the protection of policy holders of life and casualty insurance companies of this State and of foreign insurance companies doing business within it, was eight millions fifty-one thousand one hundred and eighty-five dollars, as follows :

For protection of policy holders generally in life insurance companies of this State.....	\$4,104,035 00
For protection of registered policy holders exclusively...	2,342,650 00
For protection of casualty policy holders exclusively....	4,000 00
For protection of fire policy holders in foreign insurance companies.....	1,300,500 00
For protection of life policy holders in foreign insurance companies.....	300,000 00
Total deposit.....	\$8,051,185 00

The Superintendent of the Insurance Department estimates that, toward reimbursing the loss by the fire at Chicago, companies organized under the laws of this State (not including those of other States and countries doing business in this State) will contribute over twenty millions of dollars.

#### STATE PRISONS.

The Comptroller's report will show, in detail, the earnings and expenses of the State prisons during the past year. The condition of our prisons is not satisfactory. Improvement can be secured, in my judgment, only by an amendment to the Constitution, which shall concentrate responsibility for their management.

I visited, as usual, all the prisons during the past year, for the purpose of hearing applications from the convicts for pardon or commutation of punishment. More than eight hundred applications for pardon or commutation have been made to me during the year. Eighty-four (84) pardons, twenty-nine commutations, and five reprieves have been granted. I shall, in a few days, submit to you, as has been my practice every year, a statement of the particulars of these cases, including the reasons which, in each instance, have influenced my action.

#### CHARITIES AND ASYLUMS.

The annual report of the Commissioners of Charities will give detailed information of the condition of the several State charities. I trust you will continue to provide for the early completion of the State lunatic asylums now being constructed, so as to afford additional room for the insane poor; to the end that, within a short period, all of this class may be removed from the county poor-houses. I again recommend, as I did last year, an inquiry into the condition of pauper children in the several counties, with a view to providing for their removal, if found expedient, to proper asylums.

#### EDUCATION.

The following statistics have been furnished me by the Department of Public Instruction for the fiscal year ending September 30, 1871:

Number of children attending public schools .....	1,027,089
<hr/>	
Total receipts, including balance on hand, September 30, 1870 .....	\$10,658,576 87
Total expenditures.....	9,588,356 37
Amount paid for teachers' wages.....	6,678,377 51
Amount paid for school-houses, repairs, and furniture,	1,587,276 39
Estimated value of school-houses and sites.....	23,613,201 00
<hr/>	
Number of persons attending normal schools.....	5,129
Total number of school-houses.....	11,721
Number of teachers employed for the full legal term,	17,828.
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For particulars and for suggestions relating to the administration of our common school system, you are respectfully referred to the annual report of the Superintendent of Public Instruction, under whose care the educational affairs of the State have been so ably administered. I ask for the schools the most liberal legislative encouragement.

**STATE MILITIA.**

The State militia, known, now, as the "National Guard of the State of New York," numbers about twenty-four thousand officers, non-commissioned officers and privates. The details will be made known in the report of the Adjutant-General. This valuable force, essential to the security of public order, ought to be generously sustained by the Legislature. A contract has been made, in accordance with authority vested in the Governor by the law of last session, for supplying the force with breech-loading rifles.

The Adjutant-General has made very satisfactory progress in obtaining the adjustment and allowance of claims of the State against the general government for expenditures in the late war. At the time he came into office, the balance of the claims which had then been presented to the accounting officers of the treasury of the United States and were on file with them, unsettled, was \$932,132.82, of which it had been estimated not more than fifty per cent could be recovered, owing to informalities of vouchers, and irregularities occurring in the hurry of the times when the expenditures were made; and it was suggested that the Comptroller should employ a special agent for the adjustment of these claims, to be compensated by a per centage upon the amount which should be recovered. The Adjutant General, with my approval, placed the matter in the special charge of Colonel Stonehouse, the Assistant Adjutant-General, who was familiar with the origin of the claims, and detailed Captain Butler, of the Inspector-General's Department, to assist him. There has been recovered already the sum of \$622,279.10, with the well assured prospect of an early adjustment of the whole balance left unsettled on the 1st January, 1869 (except certain items of interest on temporary bonds issued by the State which will require congressional action), and the prospect also of establishing the validity of further claims upon the government. Additional claims to the amount of \$364,107.07, have already been presented to the treasury department, and others to about the same amount will very soon be ready for presentation. The Legislature, at its last session, passed a concurrent resolution, authorizing me to appoint a special agent to prepare and collect these claims, and to award to him such a per centage of the amount collected as I might deem just and proper. I have done nothing under this resolution, being satisfied that the claims can be adjusted and collected quite as rapidly through the clerical force of the Adjutant-General's office, and, of course, at much less cost to the State.

**QUARANTINE, ETC.**

During the past year, 227 vessels arriving at the port of New York have been quarantined on account of sickness which had occurred on board of them. Upon these vessels, at their port of departure, on the passage, and after their arrival at quarantine, there were 729 cases of contagious and infectious diseases, and 109 deaths.

During the quarantine season, to wit, from the first day of April to the first day of November, 466 vessels, which arrived from ports infected with yellow fever, were detained in the lower bay for observation. During the same period, 542 vessels from suspected ports were examined at lower quarantine, and placed under observation for a period of from two to five days.

These constitute the total number of vessels detained during the year beyond the time actually necessary for examination. Out of this number



seventy-five discharged their cargoes under quarantine, being but little over one per cent of the whole number of arrivals from foreign ports during the year.

Seventy of the vessels thus detained were found to have had cases of yellow fever on board, and from these, eighteen patients were sent to West Bank Hospital. Besides these, 205 cases and fifty-one deaths from this disease had occurred on board of these vessels, either at their port of departure or during the passage.

For the five years, ending December 31st, 1870, the total number of vessels which arrived with small-pox on board, was one hundred and forty-two; while, during the past year, there have been one hundred and forty-seven vessels, having on board an aggregate of 80,428 persons who had been exposed to this disease during the passage. The number of cases of small-pox reported to have occurred on these vessels, was three hundred and forty-two, of which two hundred and ninety three were taken to hospital from quarantine. Of these, owing to the crowded state of the municipal institutions on Blackwell's Island, it was found necessary to send a number of patients suffering from small-pox to West Bank Hospital.

Seven vessels only have had cases of ship-fever on board during the past year. On these the number of persons exposed to the disease was 3,778, of whom eight were sent to the fever hospital on Ward's Island.

Three vessels from infected districts have had cases of cholera on the passage to this port; and from these, fifty-two patients suffering from the disease, were treated at the West Bank hospital. The total number of cases of cholera occurring among the passengers and crews of these vessels, was 156; and the number of persons exposed to the disease, 1,432. Of these, forty-three died at sea and twelve in quarantine.

At the West Bank hospital the total number of patients suffering from cholera, small-pox and yellow fever, received during the past year, was 132, of whom 109 recovered and twenty-three died.

The absence of buildings upon the upper structure at West Bank, for the reception of persons who have been exposed to contagious and infectious diseases during the voyage to this port, was temporarily provided for by the transfer of the steamships Delaware and Albany, from the general government to the quarantine department. These vessels were anchored at quarantine in the month of September, and in the case of the steamship Franklin, which arrived on November 11th, with cholera on board, were of the greatest utility in affording facilities for the immediate transfer of the passengers from the infected vessels. The favorable results which followed this transfer, are said by the health officer, to prove the importance of completing at once, the structures contemplated at West Bank.

The foregoing statistics demonstrate the necessity for a thorough administration of quarantine laws. The immunity which the city and State of New York have enjoyed during the past year from the introduction of contagious and infectious diseases from abroad may justly be ascribed to the precautions adopted. All abuses, if any be found, should be remedied, but the inconvenience to a few, by the detention imposed upon only one vessel out of a hundred, is not to be weighed against the protection afforded to the people in the cities of New York and Brooklyn, and of the State, against infectious diseases.

There have been for many years, and under all administrations, complaints in the press against the health officer, and also against the har-



bor-masters of the port of New York. No proof has been adduced before me of maladministration on the part of the present officers. In one instance, prior to December 15, 1871, charges were preferred against a harbor-master, which were withdrawn. On the 15th of December, 1871, charges were preferred in another case, which are now under examination. In the case of the health officer, one complaint has been laid before me. Although the law gave me no power in the matter, the health officer promptly responded to my request for explanations; the complaint was found to be connected, not with his office proper, nor with his fees, but with certain rates established for contributions to the support of the hospitals at quarantine; and the injustice complained of was promptly cured. Under the law, as it was established in 1863, and as it now stands, the Governor has no power to remove the health officer (and appoint another), even after a formal investigation, during the recess of the Senate; the period of the year when, if ever, abuses are likely to occur. I recommend that the Governor be empowered to appoint the health officer and harbor-masters, including the captain of the port, without the consent of the Senate; and to remove them or any of them at pleasure. A prompt remedy would then be provided against abuses without the delay incident to a formal investigation.

In the single instance of the presentation to me of charges against the health officer, I took the occasion, in referring the matter to the commissioners of quarantine, to request them to inquire into alleged abuses in quarantine administration, giving merchants and others opportunity of being heard. I have received their report, dated December 11th, 1871, which, with a communication from the health officer relating thereto, will be duly transmitted to the Legislature for its information.

It is proper to say, that if citizens who know of and can prove official misconduct on the part of public officers, fail to present the charges and proofs to the Governor, the responsibility for continued abuses rests upon them. The Governor, in such matters, acts in a quasi-judicial capacity, and he cannot, any more than can a court, entertain charges made simply through the public press.

Nor should it be forgotten, that if extra compensation is paid to harbor-masters, it may be too often due to the eagerness of owners and consignees of vessels to get the advantage, one over another, in the occupancy of wharves.

The Governor is always ready to do his duty, and to remove a guilty party when he has the power. Merchants and others fail to do theirs, when any of them pay a bribe to a public officer, or neglect to expose and bring to justice whoever demands or accepts one.

I recommend a thorough examination of the official acts of the health officer and harbor-masters, and such amendments to existing laws, as may be necessary to put an end to such evils as may be shown to exist.

#### IMMIGRATION.

The number of arrivals of immigrants in the port of New York this year is two hundred and twenty-nine thousand, an increase, as compared with last year, of seventeen thousand.

#### REVISION OF STATUTES.

A report from the commissioners for revising the statutes may be expected at an early day in the session, showing what progress has thus far been made in their work.

## CANALS.

The surplus revenues of the canals, for the past year, have been nearly double those of the previous year, although, for four months of the year 1870, the former higher rates of toll prevailed; the contribution to the sinking fund, for the fiscal year ending 30th September last, being \$981,588 68 against \$569,974.61 contributed the year before. The expenditures have been materially reduced. The official reports of the Comptroller and Auditor will show the details of expenditure and revenue. It is the unanimous testimony of those engaged in business upon them that the canals are in better order than at any previous period. My opinions as to the true policy of the State, with reference to its canals, have been so fully expressed in three successive annual messages, that it is not necessary here to repeat them. The policy of low tolls, which, when first recommended, met with strong opposition, is now, by general consent, admitted to be wise. The season of navigation of 1871 was fifteen days shorter than that of 1870, yet there was an increase of tolls to the extent of \$487,722.78.

I have received a letter from the President of the United States, calling my attention to the twenty-seventh article of the recent treaty between Great Britain and the United States, which article is in these words, to wit:

"ARTICLE XXVII.—The government of her Britannic majesty engages to urge upon the government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion; and the government of the United States engages that the subjects of her Britannic majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of her Britannic majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States."

The President requests such legislation on the part of this State as may be necessary to carry out, on our canals, this provision of the treaty. My impression is that nothing exists in our State laws, now, to forbid the subjects of another country using our canals on terms of full equality with the citizens of the United States. I recommend an inquiry on your part on this point, and the prompt passage of any laws which may be necessary for the fulfillment of the undertaking made by the federal government.

## GENERAL RECOMMENDATIONS.

The disastrous fire at Chicago destroyed the valuable public law library of that city. It was always open to the free use of members of the bar from other States, and contained complete sets of the reports of this State and of its statutes, as well as those of other States and Great Britain. Upon being informed of this loss by a committee of the bar of Chicago, engaged in the work of restoring the library, and upon their application for such assistance as this State could give, I took the responsibility, in view of the intimate business relations existing between the States of Illinois and New York, of causing to be sent to them the statutes, the reports and the digests of this State, complete, as a donation

from New York, knowing that the need was pressing for the work of restoration being promptly effected. In doing this, I was careful not to incur any liability in behalf of the State. I, nevertheless, respectfully ask that you make an appropriation to cover the cost of this gift. Some of the books having been furnished by the State Library, from extra copies in their possession, the total amount expended will not exceed sixteen hundred dollars.

Full rights of inheritance are accorded to the children of American male citizens, without reference to the nationality of the mother, although the children be born abroad; while the children of an American woman married to an alien, are, if they be born abroad, denied like rights. I recommend that the disability of the latter class of persons to inherit be removed by statute.

I suggest, for your careful consideration, especially in view of the several treaties made between the United States and foreign governments, in respect to naturalization and expatriation, whether it would not be wise to remove all disabilities of aliens relating to the acquisition, possession, and transmission of real estate. In several of the States of the Union these disabilities no longer exist, and in England they were removed by statute passed May 12, 1870, the day before the date when the treaty between England and the United States, relating to naturalization, was signed. If you should pass a law removing all these disabilities, the suggestion last made, with reference to children born abroad of American women, will have become unimportant.

I recommend to your consideration the subject of alleged abuses under the referee system in our courts, with a view to providing a remedy, by law, for such abuses as may be found to exist.

The statutes providing for the election of Senators, in case of vacancies occurring otherwise than by expiration of term, are defective. The defect was brought to public notice by the death of Senator Blood, just before the last session of the Senate. I called the attention of the Legislature in my last annual message to the necessity of amending the laws in this respect, but they failed to supply the defect. I recommend prompt action by you on this subject.

I recommend, as I did last year, the putting an end, by law, to the hardship and injustice frequently inflicted upon persons who are detained as witnesses to the commission of crime. The suffering resulting from this, especially in cities, is very great and extends to many unfortunate persons, who are too poor to give security for their appearance to testify. The law should provide that no person shall be detained in prison as a witness in criminal cases beyond a specified time, and that, if the trial be postponed beyond that time on the motion of the prisoner, it shall be only on condition of his consenting that the testimony of the witness may be taken *de bene esse*, as in civil cases. It may be urged that the people may not be ready to bring on a trial, and may thus, in some cases, lose the benefit of the witnesses altogether. It is better so than to have innocent persons suffer imprisonment in order that even the guilty may be convicted.

I recommend, for the third time, that power be conferred upon the Oyer and Terminer, or upon the Supreme Court at General Term, to grant new trials upon the merits or upon newly discovered evidence, in cases of conviction before the Oyer and Terminer. The courts of sessions, which are inferior tribunals, have this power in cases of conviction

before them. A person wrongfully convicted in the Oyer and Terminer, no matter how clear his innocence may be shown by newly discovered evidence, has no remedy save a pardon from the executive.

I recommend that the laws relating to the insane be revised. As they are now, any two justices of the peace, upon the certificate of two physicians, may deprive a man of his liberty on the ground of lunacy, and order him to be confined in a lunatic asylum. A bill was passed, at the last session of the Legislature, upon this subject, but some of its provisions seemed to me to be objectionable, and it was generally objectionable, in that its operation was limited to the city of New York. For these reasons I withheld my approval from it. There can be no doubt that there is room for great abuses under the law, as it stands. I recommend that all physicians who may grant certificates of lunacy, and all magistrates, who issue an order of commitment to an asylum, be required, under heavy penalties, to report their action at once to the county judge of the county within which the order was made, and that all superintendents of public and private lunatic asylums, be required, under like penalties, to report forthwith the arrival of every patient at their respective establishments, to the county judge of the county whence the patient was sent; that the county judge be required to investigate the case, summarily, and confirm or annul the proceedings; and that he be empowered, at any time, on his own motion or on the application of any one interested in the alleged lunatic, to re-open the hearing of a case, and to conduct such rehearing, with or without the aid of a jury, as to him may seem best, and thereupon, in his discretion, to discharge the alleged lunatic. Whether any amendments to existing laws relating to the State asylums for the insane be found necessary by you or not, I recommend that private lunatic asylums be brought under some system of licensing by the public authorities. The Legislature should provide for their supervision and frequent visitation. Inasmuch as the State permits the detention of insane persons in such private institutions, it is right that the same watchful care should be exercised over persons confined in them as over those in our public hospitals.

For the fourth time, I recommend an amendment of the laws relating to murder. Instances of homicide occur where intent to take life is proved, but where the facts are such that the jury are unwilling to find a verdict of guilty of murder in the first degree, because the peculiar facts do not warrant the extreme penalty of death. They cannot, under our present statutes, define the case as one of murder in the second degree. They are driven, therefore, to either acquit or render a verdict of guilty of manslaughter in the third or fourth degree, although conscious that the light penalty awarded by the law to these two degrees of crime is very inadequate. I recommend that either the maximum punishment for manslaughter in the third degree be made much greater, or that when the degree of premeditation does not, or other facts do not, in the judgment of the jury, justify punishment by death, they be authorized to render a verdict of murder in the second degree, to be punished by imprisonment for life, or for a term of years, in the discretion of the court. It is no valid objection to the above amendment that, under it, juries would have too great discretion in the matter of enforcing the death penalty. They exercise that discretion now, in many instances, and do so with the law as it stands, at the cost of rendering a verdict not satisfactory to themselves, and of allowing a very serious crime to go

unpunished, except by the light penalty attached by the law to one or lower grade.

I respectfully suggest that all bills, making large appropriations of money be passed by you at a period of the session early enough to enable me to return them to you with objections, if I have any to make; so that I shall not be obliged to consent to items not, in my judgment, proper, as the only means of avoiding the defeat of other just and necessary appropriations. The supply bill, as it is commonly called, has always been sent in for approval after the Legislature had adjourned, leaving me no alternative but to approve of it as a whole, or to let all the appropriations made therein go over, many of them being required at once for the support of the various departments of the government. The practice has grown up of inserting in this bill items of appropriations of money which have no proper connection with the general purposes of the bill as indicated in its title; many of which items, I am satisfied, would not, if proposed in separate bills, receive the sanction of the Legislature. This practice has become a great abuse.

I recommend the immediate repeal of the general town bonding act. Without discussing the policy of this law, I suggest that aid has already been given to railroads, upon the credit of municipalities, to quite as great an extent as is wise, and, in some instances, to the oppression of tax-paying communities. Its early repeal is, in my judgment, important to the general welfare of our people.

#### EIGHT HOUR LAW.

In 1870, what is commonly called the eight hour law was enacted by the Legislature and approved by me. It provided, among other things, that eight hours should constitute a legal day's work upon all the public works of the State, and that any public officer, who should violate or evade its provisions might be removed by the Governor, or by the heads of departments to which such officer was attached. By this act the Legislature intended to hold out the promise, on behalf of the State, to the laborers who might be employed on any public work, that they should receive a full day's wages, at current rates, for eight hours' work. The spirit of the promise has not been kept; yet no case has arisen where a removal of a public officer could legally be made. The laborer understood the law to provide for a reduction of the hours, but not of the wages of labor. The State ought not, under the forms of law, to deceive any portion of its people. Its practice should be in accord with its professions. It demands a general obedience to its statutes, and should itself set the example of strict conformity with its own laws. While the law stands upon the statute book, the professions embodied in it should be made good by such amendments to it as will render the fulfillment of its purpose certain.

#### TAX REVISION.

Under the provisions of a joint resolution of the Legislature passed April 25, 1870, I appointed David A. Wells, George W. Cuyler, and Edwin Dodge a commission "to revise the laws for the assessment and collection of taxes;" which commission, in the discharge of its duties, presented a report in February, 1871. The report was so important and exhaustive in its character, and so novel in its suggestions, that although I had supplied copies thereof to the Legislatures of the other States, and to municipal bodies in this country and in the British Provinces, yet, notwithstanding the very large editions issued by the State, the report



has been twice reprinted, at private cost, in order to meet the demand for it among the general public, to wit, once in this country and once in Europe; the latter reprint being issued, with a preface by the Secretary of the British Board of Trade, by an association of gentlemen for distribution among the people of Great Britain.

In respect to personal property, the report of the commissioners shows that the whole amount thereof assessed and taxed is not as much as thirty per cent of the real estate assessment, or not in excess of the railroad and banking capital alone of the State; while the probable proportion of such property assessed to its true value is not more than *fifteen* per cent. The commissioners, furthermore, present a large amount of evidence tending to show that not only is such a result unavoidable under existing laws, but that the tendency of things (through recent court decisions, the offsetting of indebtedness against assets, and the exemption of the United States and other securities from taxation), is to become worse; and that at no distant day, the present system of taxation in this State will be brought down, practically, to an exclusive tax on real estate and bank capital.

Another matter of great importance, to which the commissioners call attention, is the circumstance that during the last few years the legislation of contiguous States, in respect to local taxation, has been of a much more liberal character than that of New York; and that, in consequence, the interests of New York have suffered, and are likely to continue to suffer unless remedial or reciprocal legislation is provided. Thus, for example, the States of Maine and Vermont, and also the British Provinces which border upon New York, have either wholly, or for an extended period, exempted manufacturing industry from all taxation. The new territory of the District of Columbia exempts all evidences of debt, that is, bonds, mortgages, negotiable instruments, etc.; the State of Maryland, all bonds and mortgages for the city and county of Baltimore; New Jersey, bonds and mortgages for a large part of her territory contiguous to New York; while Pennsylvania, proceeding much farther in this same direction, has exempted the machinery and capital or manufactures from local taxation, and, practically also in a great degree, her banking capital, evidences of debt, and all vessels engaged in foreign and domestic commerce.

New York is soon likely to be forced, by considerations of self-interest and self-defense, into giving this whole subject of State taxation careful attention.

The system recommended by the commissioners, and of which an outline code has been already submitted to the Legislature, is substantially as follows:

*First.* To tax real estate in like manner as under existing laws; provisions for enforcing valuation according to a common and well defined but moderate standard being at the same time prescribed. It is understood that the commissioners favor the creation of an office, whose incumbent shall be especially charged with the enforcement of the laws relative to taxation, and be invested with all necessary powers for accomplishing such object, and insuring, so far as possible, equity and uniformity.

*Second.* To tax moneyed corporations of the State in conformity with existing laws.

*Third.* All experience, and especially the experience of New York, shows that the attempt to tax, directly, property other than such as is



embraced under the two before enumerated classes, affords little revenue; it fails in execution, and is certain to yield less revenue in the future than in the past, and above all it discriminates against the industry of New York in comparison with other States. The commissioners propose as a substitute and equivalent for all such defective taxation, *to tax the occupier, be he owner or tenant, of any and every building used as a dwelling, or for any other purpose, on a valuation of three times the rental or rental value of the premises occupied; but not including under such assessment, any land except such as the building stands on, or is essential for access thereto.*

All property not embraced under one of these provisions, as above stated, is to be exempt from taxation.

The principles on which the commissioners have founded this part of their system, are stated by them as follows:

"That the market value of real estate is always proportional to and dependent on the amount of personal property, or rather productive capital, placed upon it, or in its immediate vicinity.

"Only, therefore, as personal property or productive capital is brought in connection with real estate, does its value become appreciable and augment.

"Applying, practically, to New York the proposed system for taxing personal property, through buildings or rentals, as its representative, the commissioners say, that examination will show that the aggregate of taxation, according to the new system, on the occupiers of buildings, *will be the lowest in the most sparsely settled agricultural districts of the State.* Property here is mainly in land, and the value of buildings is generally much less than the value of this land with which they are connected. As we leave the sparsely settled agricultural districts, and rise through the more densely populated portions of the State, from the towns to the villages, from the latter to the cities, and from the cities to the great metropolis of the continent, we shall find that the value of land, of buildings, and the aggregate of taxable valuation will increase as the amount and accumulation of personal property increases, until land and buildings attain their greatest market and tax valuation in Wall street, Broadway, and Fifth avenue, where the accumulation of personal property is the greatest. It is also to be observed that, starting at the bottom of the scale, with the value of land greatly in excess of the value of the buildings connected with the land, that this difference, as we progress upward through the more densely populated districts, gradually diminishes, until, as is the case very frequently in the cities, *the value of the building greatly exceeds the value of the land in which it is situated.*

"And yet, while under the proposed system, the agricultural districts would, as now, pay the smallest proportion of the aggregate taxes, and the villages and cities as now also the largest, there would be no injustice; but, on the contrary, one uniform, equitable rule of valuation and assessment.

"The sum of *three times* the rent or rental value is taken as the substitute for personal property, other than what is invested in the stocks of moneyed corporations, on the assumption that no person can occupy any building, who is not possessed of such property, at least to the extent of the valuation adopted; an assumption fully sustained by evidence and investigation."

The commissioners allege, in regard to their proposed new system, that, under the *first* and *second* provisions, nearly all the property now

subject to taxation will be embraced; and that, under the *third* provision, property additional, or rather ability to contribute to the expenses of the State, commensurate to the protection which the State accords to the person assessed, will be embraced to the extent of from *five hundred* to *seven hundred* millions; thus reducing the rate of taxation all over the State, and especially relieving the labor and capital invested in agricultural and manufacturing industries, and in shipping, which it ought to be the object of the State especially to favor.

When the report of the commissioners was presented in February, 1871, it seemed to me and to the Legislature advisable that, on account of the novelty of the views presented, the consideration of the whole subject should be postponed for another year in order to allow of the fullest discussion and consideration on the part of the public, and pending all action the Legislature instructed and authorized the commissioners to prepare a code in accordance with their recommendations. This code, with a further report, will be ready at an early period of the present session, and I should fail in my duty if I did not ask for it in advance the most careful consideration from both the Legislature and the people.

#### STREET PROCESSIONS.

The subject of the regulation and control of processions in public streets has been made one of special interest by unhappy occurrences in the city of New York in July last. The occupation of the public streets by bodies of men for the purpose of civic as well as military processions has been permitted under a custom so long established that it has come to be looked upon as a common right. The local police must have, of course, great discretionary power in the matter of regulating such processions. It has been the practice of New York city to afford them protection by the presence and escort of part of the police force, without reference to the occurrences which the demonstrations were designed to celebrate, or to the race, color or sentiments, political or religious, of those engaged in them. Our respective political parties have been in the habit, on the eve of an election, of getting up such demonstrations, not only in New York but throughout the country, with banners and mottoes indicative of their own views and not unfrequently reflecting with severity upon those of their opponents; all of which are looked upon, usually, by the by-standers of either party, in good humor and perfect toleration. Noted events in our own history have been commemorated by great public demonstrations in the streets, and, in like manner, men of foreign birth or descent, have celebrated occurrences remarkable in the civil, military or religious record of the country from which they sprang, or of the faith and church in which they and their fathers were educated. This right of procession has been considered to be established by custom as firmly as the right of free discussion and as is the right of the people "peaceably to assemble" by the Constitution of the United States, and may be regarded, in some sense, as a practical exercise of those rights.

A procession had been proposed for the 12th of July last, to which objection was made by persons holding views adverse to those to be celebrated, and they resolved to prevent it by violence, if necessary. Opponents of the first proposed procession organized another for the same day, with substantially the same line of march. The police of the city, deeming it almost certain that a serious breach of the peace would ensue, and in order to prevent it, forbade both of the proposed demonstrations.

The order forbidding the processions was not submitted to me by the police commissioners, for consideration or approval, nor did they ask my advice upon the subject. The order was made by them in the exercise of their exclusive discretion and lawful power, and it was not my lawful right, on my own motion, to interfere with that discretion. On the afternoon of the day on which the order was issued and published, which was the day before that proposed for the processions, I received, while at the capital, information that the local authorities thought my presence in the city was desirable. I repaired thither, immediately, and advised that the police order be revoked. I was satisfied that it would be generally regarded as having been made by those in authority in submission to the demand and dictation of those who were not, and as subversive of the equal rights of men of all races, creeds and sentiments to protection, and would tend to permanent strife and bitterness, and to the disturbance of the peace of the State, perhaps, for many years to come. In deference to my advice, the order was revoked by the same authority which had issued it. My duty, then, was plain, to wit, to sustain, by the whole power of the State, the local authorities in repressing threatened disturbances, and by so doing, to assert the equal rights of all citizens. The loss of life that ensued from the use of military force is a matter for great regret. It is clear, however, that whatever may be the cost, the rights and privileges of all classes of men must be alike protected, or none are safe; and that the prohibition of a procession representing one class of sentiment to-day, upon the demand of its opponents, or otherwise, would be taken as a precedent for interference, on another occasion, with one representing the opposite views, to the constantly recurring disturbance of the public peace, and to the abridgment of the privileges of all. I submit to your judgment, whether any new provisions of law are required regulating this matter of street processions and public demonstrations, which, good temper being preserved, have, heretofore, been harmless recreations for those engaged in them and for great numbers of lookers-on. Whatever laws you may pass on the subject should secure equal privileges to all men of whatever religion, of whatever politics, of whatever race, color, or creed.

#### UNITED STATES SENATORS.

I recommend that you pass a joint resolution respecting the Senators and Representatives from this State in the Congress of the United States to use their efforts to have the following amendment to the Constitution of the United States proposed by the Congress, to wit:

“After the adoption of this amendment, Senators from each State shall be chosen by the people of the several States, and not by the Legislatures thereof; whenever the term of a Senator is about to expire, his successor shall be chosen by the people of his State at the general election for members of the House of Representatives in such State, occurring next previous to the expiration of such term; and whenever a vacancy shall happen, otherwise than by expiration of term, such vacancy shall be filled at the first general election for members of the House of Representatives which shall take place in the State in whose representation in the Senate a vacancy shall have happened, not less than three months after the vacancy shall have occurred, and in the meantime the Governor of the State may make a temporary appointment of Senator until the expiration of one month after the election at which the vacancy shall be permanently filled.”

The Legislature of a State has its own proper duties to perform, to wit: that of providing good laws for the internal government of the State, with which the choice of a Senator of the United States has no natural connection; and the members of a State Legislature should be chosen solely with reference to these, their proper duties, and not with reference to their probable votes for this or that candidate for Senator.

It is obvious, too, that the distribution of Assembly and Senatorial districts in the State may, at times, be such that a majority of the members of the Legislature, although freshly chosen, do not represent the popular majority in the State. In such instances, a Senator may be chosen who is not in accord with a majority of the people, and who, in such case, does not represent the State at large, as he properly should do. I can see no good reason for devolving the election of a Senator upon the Legislature; while the arguments against doing so are many, and, it seems to me, unanswerable. The people are quite as capable of electing a Senator by their own direct vote as they are of electing a Governor; and there is no need of delegating the important power of choosing a Senator of the United States to any electoral body.

#### NEW YORK CITY.

The recent exposure of great wrongs in the administration of the local government in the city of New York, has aroused public attention, to an extraordinary but wholesome extent, to the necessity of a reform in the conduct of public affairs. In that city especially, the people have spoken in a way which must not be misinterpreted. They demand an improvement in the condition of their local government through legislation, which shall have in view neither party nor personal ends, but the permanent general good. The limits of this message forbid a discussion of the causes which, for a long time, have been contributing to the results recently laid bare. For many years the city had not had a charter under which it was possible for its people, even if they had been willing to attend to their own interests, to have secured an efficient and faithful local government. At one time governed under local laws which failed to fix responsibility anywhere, at other times under varied, disconnected and irresponsible commissions, created to enable minorities in the city to exert political control; confusion, mismanagement and extravagance were apparent to every one, but the responsible authors thereof were concealed under the complicated machinery which was unwisely substituted for a simple government of the people. In my first annual message to the Legislature, while calling attention to evils then existing, I said: "Every dollar paid for taxation should draw with it direct responsibility, and every officer should feel himself at all times on trial for his public acts. No party could then long maintain local ascendancy which did not nominate its best men for office, and did not by economy and good government, make their control of affairs consistent with the interests of the people;" and I added: "No good government can be secured to any great city unless it shall have one responsible head, in whom shall be vested all executive power, and to whom, as the elected representative of the people, all departments charged with executive duties shall be directly and summarily responsible and accountable. If, with this as the fundamental idea, a plan shall be devised which will give to the political minority within the city a just representation in its councils, we shall, doubtless, secure better results in municipal government than have ever before been attained."

The same views, excepting those upon minority representation, had been, on several occasions, in nearly the same language, urged by me while mayor of New York, and were reiterated in my second annual message, as Governor, in 1870.

During the session of 1870 the present New York charter was enacted. It received very extensive favor from the press, and passed by a nearly unanimous vote of both Houses of the Legislature; another form of charter, submitted to them previously at the same session, having been, by a decided vote, rejected. As a whole, the charter adopted was a great improvement on the then existing condition of things. By its provisions, and those of a law passed almost simultaneously with it, the former board of supervisors, the members of which had been designated in such a manner as to leave the people practically no choice in the selection of them, and against whose management of public affairs the complaints had been, for a long time, many and loud, was abolished, and aldermen, elected by the people at large under the new charter, were substituted. It broke up the irresponsible district commissions in which the city government proper had been substantially merged, and provided for new departments, embracing every branch of public duty, to be organized by the mayor of the city. It restored to the people of the city their constitutional right of local self-government, of which they had been for many years deprived. It defined the responsibility of those in authority; so that, in case of wrong-doing, the people could tell at once upon whom to cast the blame.

It was a first step in reform, casting aside, as it did, a very vicious system of government, the evils of which had long been manifest to many, and are now manifest to all. It was not an unusual mistake, that in providing a remedy for then existing evils, others, likely to come out of the remedy itself, were overlooked. This was the fatal error in the legislation which, many years ago, transferred the government of the city from the people to irresponsible commissions. It will need great caution to avoid like mistakes in framing a new charter.

The chief defect of the present charter is in recognizing the mistaken doctrine of the congressional tenure of office law, whereby a subordinate in administrative duties is made independent of the appointing power, instead of being subject to summary removal by the chief executive officer for cause satisfactory to him. The length of term of office assigned to some of the departments would not have been found, in practice, objectionable, if the power had been given to the mayor to remove, summarily, for misconduct. As a substitute for this wholesome power of removal, it was provided, in harmony with the erroneous doctrine so prevalent of late years—that good administration is to be secured by scattering instead of concentrating responsibility—that the mayor should have no power over the subordinate officers, in case of misconduct, except to accuse them before the court of common pleas, as the means (and the only means) of removing them from office, while the mayor himself was not made subject to removal by the Governor.

A somewhat lengthened tenure of office in some departments of the city government, such as are created to carry out, or to administer some special work, may be, for many reasons, desirable; and is not objectionable, if the power be given to the mayor to remove, for cause, to be publicly assigned by him. The parks of the city and the Croton aqueduct have been thus administered from the beginning. All officers connected



with the general administration of the city affairs, the comptroller, the counsel to the corporation, the chamberlain and others, should be appointed by the mayor, with or without the consent of the aldermen, be removable by him, and go out of office with him at the end of his term, as a matter of course.

My judgment is not in favor of requiring the consent of the board of aldermen to appointments. To do so leads to a division of responsibility and opens the way for bargains whereby one appointment may be dependent for its confirmation upon the consent of the mayor to give other places to favorites of the aldermen.

Though the charter was not all it should have been, it was the best that could then be obtained, and it promised relief from great and long continued wrong, under which the people of the city had been suffering, and from a system of government, the abuses under which are now coming to light. The misconduct, recently exposed, was not a consequence from any of its provisions.

The responsibility for the wrong-doing, which has very justly aroused public indignation, does not rest so much upon the charter as upon individuals who held office in the city before the charter was passed, and took office also under it. The difficulty with the charter, in this connection, is that it provided no means for summary removal from office. The auditing of the alleged claims against the former county government to the extent of six millions of dollars and upward, to which the public attention has been chiefly directed, was made not under the charter, but under a clause in the bill commonly called the New York county tax-levy; a clause, perhaps not objectionable in itself, if the powers which it conferred had been faithfully and carefully executed. The annual tax-levy of New York should no more be made up by the Legislature than that of any other county. It has been the practice for many years, to have the city tax-levies passed upon by the Legislature, and this has been the occasion of great abuse; the estimates of the city authorities being almost always largely increased by the Legislature. One of the good results looked for from the enactment of the present charter and other laws passed at the same time, was the abolition of the practice of bringing the city tax levies into the Legislature.

I allude to these facts not because I would recommend retaining the present charter, but because I think they ought to be known and understood. Many of the provisions of this charter cannot, in my judgment, be improved upon, but it is under popular disfavor, and I recommend its repeal and the enactment of a new one in which all that is good of the old one may be retained, all that is evil rejected, and all that is defective remedied.

The people of the city have, by their recent concerted and intelligent action, proved their capacity to manage their own affairs, and to redress their own wrongs. They demand of the Legislature now, not a return to systems which have upon trial proved to be failures, but the establishment of the wisest and best form of a strictly local government; the prominent features of which shall be executive power and responsibility in its mayor, clear and well defined accountability of all officials and frequent opportunities for the people to rid themselves of a local administration not faithful to their interests. It would not be wise for the State to take any part of the responsibility for the management of the local affairs of New York city. It is the duty of the State to give to the city a good organic law under which its people can manage their

own affairs and protect their own interests, and then let them understand distinctly that success depends on their own willingness to attend to their public duties. If they will not give attention to their own affairs, no form of charter nor provision of law can secure to them good government. Municipal wrongs are not to be cured by the mere passage of a new law, however perfect in its structure; and it is certain that any charter framed to promote personal or partisan interests, will have, as it deserves to have, a brief existence.

New York city needs a permanent charter, as well as a good one; one which cannot be nullified or substantially repealed by the surreptitious insertion of a clause in a tax levy, or some other bill, or even by a specific law, with any and every change in the persons composing the Legislature. The charter of a city of a million inhabitants should be as well considered, as permanent and almost as sacred as the Constitution of a State. It should not only provide for the organization and conduct of the various departments of the local government, and clothe it with power to raise by annual tax the money necessary for its maintenance, but it should limit and restrict its power to create debts, except, by the consent of its people, expressed in a formal and authoritative manner. In this respect it would be well if we could imitate in part at least our own State Constitution, which, after providing sinking funds for the payment of existing debts, forbids the creation of any new indebtedness, except with the express consent of the people, for some single work or object to be specified in the law, which must provide also for a direct tax to pay the interest every year, and the principal in a specified period. This permanent character cannot, however, be secured to a charter, without an amendment to our State Constitution.

In framing a new charter, now, the following point should be kept prominently in view:

1st. Fixing the responsibility for good administration of all city affairs upon the mayor; and to this end giving him full power of appointment and removal of all heads of departments, except the police.

2d. Giving the people an early opportunity for a new election of local officers.

3d. Making the mayor subject to removal by the Governor, for malfeasance in office or neglect of duty.

4th. Providing for a police department, with three commissioners, to be appointed as follows: one by the mayor, one by the chief judge of the court of common pleas, and one by the chief judge of the Superior Court, to be removable, any of them, as in the case of sheriffs, by the Governor for cause. A board thus constituted and so subject to removal would be, as it ought to be, a strictly local board, subject to the same State supervision as sheriffs, who are conservators of the peace in their respective counties, and as free as any board could possibly be from the danger of improper personal or partisan influence.

5th. Requiring full monthly publication of all receipts and expenditures, and of all bonds issued, and frequent publication also of all contracts made by any department, with a statement of the general operations of each department and of their pay-rolls.

6th. Concentrating the responsibility of those composing what may be termed the legislative branch of the city government, by constituting this of only one board, a board of alderman not too numerous: this board, with the mayor, acting as supervisors, levying all taxes. A second board is not necessary. The common council is not called upon to

pass laws, but to manage the affairs of a corporation. To divide it into two boards has the effect simply of scattering responsibility, weakening the sense of responsibility and dividing the watchfulness of the public. Making the board to consist of too many members will tend to the same evil results. If any plan can be devised for giving in the legislative branch of the city government, by election, a just and proportionate representation to the minority, it would be a wholesome improvement. In carrying out such a purpose, great care must be exercised lest the choice of their representatives be, practically, taken out of the hands of the people, as in the instance of the late board of supervisors, which was the worst device of modern times in connection with local government. The candidates named by either party were sure of being returned. The proper purpose of minority representation is to secure to the minority the opportunity of being heard in the public councils, without nullifying the rightful control of the majority or relieving it from its just responsibility.

7th. Providing that there shall be no debt created except for some single work or object by authority of law, and also under an ordinance to be submitted to or approved by the people of the city; every ordinance and law authorizing a debt to contain a provision for the extinguishment of the same within a fixed period; or else, giving to the mayor an absolute veto upon all ordinances creating or increasing the city debt. Upon all other ordinances, his vote should not be overruled except by the vote of three-fourths of all the members elected to the board of aldermen; and in the case of ordinances containing several items of appropriation of money, he should have power to veto some of them while approving of others.

8th. Giving compensation to all officers and appointees of the city government by fixed salaries and not by fees.

9th. Providing some well-defined, summary, and effectual remedy in the courts for tax-payers against abuses of trust by municipal officers, with the right also given to them, under proper restrictions, to examine from time to time the affairs of any of the departments.

10th. Providing that the acceptance of any office in, under or connected with the State government or the federal government shall vacate any office held by the same person in or under the municipal government, and that no person shall hold more than one office, at the same time, in or under the municipal government.

These suggestions, although made with especial reference to New York city, will apply generally to all large cities. City charters must, of necessity, according to population and circumstances, differ more or less in detail. What is needed in a city of a million of people, would not be required in one of fifty or a hundred thousand; and a general law aiming at entire uniformity in such characters is, in my judgment, not desirable. The people of any city, with a charter embracing the general provisions to which I have referred, can, if they choose, keep up a simple, honest and efficient local government; and under such a charter, if they will frown down corruption among the seekers as well as the holders of office; if they will condemn the lavish expenditure of money before election to secure office as earnestly as the stealing of it afterward; if they will make those who ask their suffrages understand that the candidate who by money demoralizes the elector is as much a criminal as the representative who takes a bribe; if they will bear in mind that spasmodic reform movements work no permanent good, but that a persistent



attention to public affairs, on their part, is necessary to ensure a faithful administration by their representatives; they can secure all that is possible under any law or system of laws.

Simplicity is one great requisite in the charter of a city. Without it, responsibility can never be clearly and unmistakably defined and fixed. All complicated schemes which aim to secure to the minority an equal or unequal portion of the executive and administrative offices of a municipality, and so to make it share with the majority the responsibility of government will prove failures.

#### PURITY OF ELECTIONS.

At its last session, the Legislature adopted concurrent resolutions proposing an amendment of the Constitution relative to bribery. They have been duly published, and will, I trust, be favorably acted upon by you, so that they may be submitted to the people for their approval at the next general election. The proposed amendment relates to the corrupt expenditure of money to influence electors in voting, and, if it shall be adopted, laws may be enacted which will, if rigidly enforced, tend to check an evil which has assumed proportions of great magnitude. If I may believe current rumors, men of otherwise good repute are in the practice of standing at the polls in many portions of the State—even in this city, the seat of government—with money carried openly in their hands, and of paying it, on the spot, to electors for their votes. No such open and shameless use of corrupt means has been charged in the city of New York, much as is said of election abuses there.

The fact that large sums of money are expended throughout the State at every election is well known. Much of it must be spent for corrupting the electors. In city and in country, men are nominated to office because they have been able to purchase a majority in nominating conventions in the first instance, and because it is known they can expend large sums, afterwards, to promote their own election and that of their associates on the same ticket. Men, not candidates, but who take an interest in public affairs, are called upon to contribute, and do contribute liberally toward securing party success. Individuals and parties are aided by moneyed corporations, who hope in this way to secure favorable legislation for their own interests, or to buy the countenance and support of the government from which they receive their privileges. In this way the moneyed power of the country is brought in to control elections and secure to itself what it deems strength; but it does so at the risk of its own safety; for it thus debauches the moral sentiment of the community. The love of money, we are told, is the root of all evil. It is, assuredly, the root of all evil in free governments; and the lavish expenditure of money in elections is the chief cause of the corruption in our politics. A man who expends large sums of money to secure an office is apt to seek to make it up himself when in office. I do not doubt that the multiplication of officers to be elected by the people has had much to do with introducing or increasing this corruption of our politics. The struggle between candidates for local offices is apt to be more intense than the competition for higher place before larger constituencies. It is easier, too, to calculate the influence of corrupt means, and it is easier, by them, to effect the election of candidates, when the constituency taking part in the election is limited in number. The amendment submitted to you will enable the Legislature to deprive of the right of suffrage every one who shall be convicted of receiving a bribe for his

vote or of bribing an elector; and to pass laws providing that any candidate guilty of bribing the electors shall be deprived of the office to which, at any election where he was guilty of this offense, he may have been chosen.

The inconvenience occasioned to the electors, by registry laws, is not to be counted against them, if, by their means, we can insure pure elections. I have little faith in them to prevent fraud at the polls. They have been tried and have failed to prevent it. More frequent charges of fraud and of frauds of a grosser character, have been made since registry laws were put in operation than before. Many who have watched their working insist that they can be easily made, and have been made, a convenient cover for frauds, which, without them, could not have been committed. They have this effect, certainly, that the vigilance necessary to detect illegal voting has to be extended over several days, instead of the one day of election, requiring more time for this purpose than men will spare from their private business; and so the watchfulness over the poll list is, ordinarily, less general and probably less complete than under the system of challenging on the day of election.

Upon principle, a registry law, if any be passed, should apply to all parts of the State alike. Yet I am satisfied that intelligent public opinion in the rural districts, among men of all parties, does not favor one there. The inconvenience and expense to the electors in such districts, from such a law, are very great, with no adequate good result in compensation. The conviction, however, prevails extensively among intelligent men that, in large cities, registry laws can be made useful in securing the purity of the ballot; and this conviction is so strong that the continuance of the system in the larger cities may be advisable. All laws requiring a registry of the electors, previous to an election, should be made as little vexatious and oppressive to honest voters as is possible, consistently with securing proper identification of the person claiming the right to vote and due examination of his right. It must be borne in mind that it is not the province of a registry law to define the qualifications of voters, or to confer or restrict the right of voting. That right is conferred by the Constitution, and cannot be taken away by act of the Legislature, except in the few cases specified in the Constitution. Any law which you may pass, therefore, ought not to be framed so as to work the actual disfranchisement on the day of election of any elector who, for good reasons, such as sickness or absence from home, or his not having arrived at full age until after the last day of registry, was unable to have his name registered.

The complaints with regard to the late election in New York and Brooklyn, made through the press, are chiefly of false counting of ballots and false returns by inspectors of election. The general suspicion of the existence of such an evil is almost as injurious as the practice itself; our people, if led to believe that it is carried on extensively, will neglect to vote, and will lose their habit of submitting quietly to the result of an election. The crime is, under our form of government, one of the worst, in its nature and in its effects, and should be punished accordingly. It is a practice which, persisted in, is more likely to overturn our government than any open war that can be levied against it. We have wisely, in our statutes, restricted the definition of the crime of treason to acts of open war against the State government, and to combinations of one or more persons to overturn it by force. The crime of making false returns of votes cast at an election is, nevertheless, of the nature of treason;

for it seeks to take away the lawful power and destroy the rights of the true sovereign in our government, the people.

You have the power to attach what penalty you think necessary to any species of offense against the laws; and those imposed should be sufficiently severe to deter men from committing crimes, yet not so extreme as to be likely to protect them from conviction.

Effectual laws against bribery of the electors and to take away an office obtained by bribery, thorough protection of the right of challenge on election day, severe penalties against miscounting of votes and against illegal voting, ought to suffice for the protection of the ballot, and will suffice if citizens, juries and public officers will do their duty.

#### PURITY OF LEGISLATION.

The people cannot be too fully awakened to the dangers inseparable from the growth of moneyed power in this country, whether wielded by individuals or corporations. It makes itself felt everywhere in our politics, and aims to control, and too often does control, legislation in Federal and State capitals. We cannot directly strike at it in other States, or at Washington, but we can begin at the capital of our own State, and set an example to others. There is a popular belief that much important legislation, in past years, here, has been influenced by the direct use of money. This belief is so general and wide-spread, that it is due to the people that there should be a prompt and thorough legislative inquiry to ascertain whether it is well founded. If it be so, guilty men should be brought to justice under existing laws, if that is possible. If not, then proper laws should be passed to meet cases which may hereafter arise. The people will be slow to obey laws which, they believe, are enacted by a corrupt Legislature. Their demand to-day is not for municipal reform only, but for reform in every department of government, State and Federal, in which abuses may be shown to exist. Authority, whether executive or legislative, to be cheerfully obeyed, must be respected and honored.

#### CONSTITUTIONAL REFORM.

A few years ago the people of this State voted in favor of holding a convention to frame a new Constitution; thus expressing their dissatisfaction with the existing Constitution. The convention was held; but, on the result of its deliberations being submitted to a vote, the people rejected the proposed new instrument, with the exception of one article, to wit, that relating to the judiciary. It is not a fair inference from this action of the people that they desired a convention for the single end of amending the judicial system of the State. That could have been done by the simple process of submitting, after due consideration by the Legislature, a single amendment, covering the one subject. The vote of the people calling a convention indicated that they recognized many defects in our existing Constitution. The vote rejecting the substitute proposed by the convention indicated that, in the popular judgment, the remedies suggested for these defects were not sufficient or satisfactory.

In my opinion the present Constitution of the State is very defective as a frame work of efficient republican government. In considering this subject, it must be borne in mind that the population of this State is now larger than that of the whole Union when the Constitution of the United States was put into operation, and that our State has, in fact, in the number of its people and the great interests protected by its

laws, the proportions of a nation. It must also be remembered that the comfort, welfare and happiness of the people are affected in a very much greater degree by the laws of the State, and the manner of their enforcement, than by the operations of the general government. The title to property and the rights of, and the restraints upon, the owners of property, are regulated by State laws. The enforcement of business contracts of every nature are, in the main, in the hands of the State courts. The detection and repression of crime are dependent, except in a few rare instances, upon the enactment of proper criminal laws by the State Legislature and their due enforcement. The order of the community is under the guardianship of State laws, and dependent upon State authorities for its preservation. The powers of our municipal governments, whose action influences still more sensibly the peace and comfort of every man's home, are conferred and defined by the State government. It is obvious, therefore, that it is a matter of transcendent importance to every citizen of this great commonwealth, that it should possess a wisely constructed frame-work of government, adapted to secure the most wholesome legislation, the most efficient enforcement of law, the most faithful administration of its affairs, and an uninterrupted maintenance of order.

I do not recommend the calling of another convention to revise the Constitution, at this time. The attention of the people will be much engrossed this year by the presidential election; but I trust that, immediately after that event, the efforts of our best citizens, of all parties, will be united to effect a thorough revision. Nor am I sure that a convention is a necessary or the best means by which to attain the end.

A commission of thirty-two (32) eminent citizens, to be made up by selection of an equal number from each of the two great political parties, would, it seems to me, be as likely to work out a good result as a larger body.

Such a commission could have all the benefit of the debate incident to a larger body through intelligent discussions in the press and the voluntary suggestions of thoughtful citizens; and would be almost certain to agree upon amendments which would secure the popular approval.

If you should be of the opinion that it is wise to appoint a commission, there can be no objection to your creating it at this session. Its report would not be made until after the presidential election, when the public mind would be in a condition to examine calmly, and to decide wisely. True, it is not the mode provided in the present Constitution for a revision of that instrument, but it cannot be doubted that a Constitution prepared by such a commission and submitted by them to the Legislature and by the Legislature submitted to the people in due form, would, if approved by a vote of the people, be regularly established and become substituted for the present Constitution.

You have, moreover, the constitutional power to originate any amendments to the existing Constitution, and if the same shall be concurred in by the Legislature to be chosen in eighteen hundred and seventy-three (1873), they may be submitted to a direct vote of the people, and if approved by them, will become a part of the Constitution.

My convictions are so strong that the present organic law of this State is full of serious defects, that I feel justified in calling your attention to the subject and pointing out the particulars in which, in my judgment, it fails as a means of securing to us the best possible administration of our public affairs.

The Constitution of the United States was constructed by a convention made up of the wisest and ablest men to be found in the thirteen States which then composed the Union. Each of these States had been obliged, some years earlier, to frame a Constitution for its own government. The delegates from the several States did not, therefore, come together as men inexperienced and new to the work they were called upon to perform. They brought with them, from their several constituencies, varying and indeed conflicting ideas of the powers which ought to be conferred upon the new government about to be established, and the manner in which those powers ought to be distributed among its several departments.

There is, of course, this difference between that instrument and the Constitution of a State: that the former originated a special government and conferred on it certain powers and none other, while in the State government all the powers of government inhere except such as, by the Constitution of the United States or by its own Constitution, it may be forbidden to exercise. This difference does not affect the question of how the powers of government may wisely be distributed among the different departments, executive, legislative and judicial, nor that of how to provide the instrumentalities through which the government is to be administered. In most of these particulars the Constitution of the United States may wisely be followed.

Under the existing Constitution, the executive department of the State is not so organized as to insure the most efficient administration of affairs, and the most complete and direct responsibility. The duty of the chief executive officer, the Governor, is to see that the laws are faithfully executed. It is obvious that in the selection of the subordinate officers upon whom, within their separate departments, the duty is devolved of executing the laws of the State and administering its affairs, the chief executive ought to have a controlling voice. The experience alike of public affairs and of private business prove the expediency of a single executive. The laws and the rules under which public or private business is to be managed are to be carefully laid down and precautions taken against their violation; but when, subject to these rules and within their limits, the chief direction of affairs is given to one person, the best safeguard for faithful administration is provided by concentrating responsibility. The Governor ought to be held responsible for every branch of the actual administration of the State's affairs. Under our present Constitution, all the important departments are separated from his control. In the management of the finances of the State, of the canals, of the State prisons, in the prosecution of crime, the chief executive of the State has not, as he should have, the directing power. In order that responsibility may be full, direct, and unmistakably fixed, and that the people may always know who is to blame for any maladministration, all the heads of administrative departments should be subject to the supervision and the correcting power of the Governor. The duties of the Secretary of State are so directly connected with the details of executive action, especially in the matters of appointment to office and the issuing of pardons, that he ought to occupy the position of chief assistant and adviser of the Governor; and ought to be selected by him. The Attorney-General is the legal adviser of the Governor. The chief executive officer of the State should be allowed the privilege which all men exercise, of selecting for a legal adviser such person as is,



in his judgment, the most competent. The Attorney-General ought to have supervision over and be responsible for the conduct of all that class of officers, throughout the State, which is charged with the duty of prosecuting for crime and other violations of State laws. Prosecuting officers for offenses against the laws of the State, now erroneously called district attorneys, should not be county officers, but be the deputies of the Attorney-General, appointed by him or by the Governor on his recommendation. In this way responsibility for the due enforcement of the laws could be brought home, as it should be, directly to the Governor, upon whom the duty is devolved to see that the laws are faithfully executed.

It appears to me proper that the Secretary of State and the Attorney-General should be appointed by the Governor without the intervention of the Senate, and hold office during his pleasure; and that the Comptroller, a superintendent of canals, and a superintendent of prisons, should, with or without the consent of the Senate, be appointed by the Governor to hold office during his own term, but removable by him at any time for cause. These officers would form a valuable council to the Governor.

On the superintendent of canals should be devolved all the duties now performed by the three Canal Commissioners and the State Engineer.

The management of the prisons of the State needs great reform which cannot be secured by a mere change of officers; the system is at fault. A constitutional amendment has been suggested putting these institutions under the charge of a board of citizens who are not to be paid for their services. While that would be an improvement on the present system, reflection upon the subject has convinced me that a better amendment would be to supersede the present commission of three Inspectors (elected one every year by the people) by one Inspector of State Prisons to be appointed by the Governor and to be removable by him. An advisory or examining board of citizens might be valuable in addition; but for the actual administration of prison affairs and the appointment of all subordinate officers, it would be better to have the responsibility concentrated upon one man, that one man being accountable to the Governor, than to have this responsibility divided among the members of a board or a commission.

It might be well that the State Treasurer, being the actual custodian of the public moneys, and perhaps the Superintendent of Public Instruction, should be appointed by joint ballot of the two Houses of the Legislature; but all other administrative officers of the State, in addition to those heretofore named, should, in my judgment, be appointed by the Governor, with or without the consent of the Senate, so as to make his responsibility for the good management of the public affairs complete. In connection with this part of the subject, I would recommend that the term of office of the Governor be extended to three years, which was its duration under the first Constitution of the State. If these changes could be made in the Constitution, the people would have an opportunity once in three years, of putting out of power the entire administration and bringing in a new set of men, whereas now they can make only a partial change every year. It has occurred more than once in consequence of a part of them going out of office each year, that some of the administrative officers of the State have been one of party, and others of the opposing party; a condition of things that bewilders the

popular judgment when seeking to fix responsibility for maladministration.

In the Legislative department there is great need of providing additional safeguards against faulty and special legislation. For twenty years past, the laws passed exceed an average of five hundred a year; for the last six years they average over eight hundred a year, and it requires now two very bulky printed volumes of above two thousand pages to record the acts of each session. There can be no necessity for this mass of legislation. More than one thousand bills are now passed in a session; as the session lasts only about one hundred days, it will be seen that at least ten bills a day have to be passed through both Houses, and as three readings should be had of each bill in each House, it is plain that deliberation by the members of the two Houses over proposed laws is impossible.

Notwithstanding the deference which it is natural that the executive should pay to the Legislature in matters pertaining to their special duty, that of law-making, I have found myself obliged, in the course of three sessions, to withhold my official approval from an aggregate of three hundred and ninety-one bills. In addition, more than one hundred bills have, after being delivered at the executive chamber, been recalled by the Legislature for reconsideration, in order to correct inaccuracies or strike out objectionable provisions, discovered in my examination of them. It is not right to rely solely upon the Governor to review proposed legislation. It must happen, under the present habit of passing laws, that bills will, at every session, receive the executive approval containing provisions which escape his scrutiny, and to which, if his attention had been called to them, he would have objected. The people must do their part, in guarding against improper legislation, when selecting their representatives in the Legislature; and the organic law should be so framed as to promote a wise selection.

Provision ought to be made in the Constitution securing the actual reading of every proposed law on three separate days in each House, and forbidding any substitute for the full and free discussion which pertains to consideration of a bill in committee of the whole House.

The provision in the existing Constitution limiting the session of the Legislature to one hundred days, has had no good practical effect. It has not lessened the amount of legislation; it has simply caused the members to act with the more haste. The restriction should be removed and a fair annual salary be paid to Senators and Assemblymen. There is no true economy in withholding from public servants a just compensation for their labor.

As a better restraint upon undue prolongation of a session, I suggest that power should be given to the Governor to prorogue the Legislature at any time after it shall have been in session for one hundred days.

The chief office of a Senate should be to review the action of the other House, to check and restrain improvident, hasty or unwise legislation; and, for the best discharge of this duty, it should be composed of men well versed in public affairs. Its name imports that it is to be a council of men of long experience. Every inducement should be held out to attract the right men to service in this body. The public cannot expect, any more than a private person, to command valuable services unless it offers an adequate reward. This reward need not be wholly pecuniary; the dignity of an office is often a more powerful inducement to the class of men we need in the public service. A long term and a large



constituency would greatly enhance the dignity of the office of Senator, and make it attractive to our most distinguished citizens. If the Senatorial term were made four or five years and the State were divided into a small number of Senatorial districts, so as to throw the choice of Senator upon a large constituency, and the compensation made a fair one, I do not doubt that the ablest and most experienced of our public men would be found ready to apply themselves, in the Senate, to the important duty of securing good laws for the people.

In the constitution of the House of Assembly no improvement suggests itself to me, except to abolish the single Assembly districts as now established, and restore county representation; that is to say, that every county shall elect the whole number of Assemblymen to which it is entitled upon a general ticket.

In respect to the judicial department, the action of the people is so recent in adopting the new sixth article of the Constitution (still further action on their part next year, upon the mode of selecting judges in the future, being also already provided for), that it would not be wise to have any changes made.

Among the general provisions of the Constitution, there ought to be one limiting the amount of indebtedness which municipalities may incur, and defining the purposes for which it may be incurred. Uniformity of the several classes of local governments, counties, towns, villages, ought to be secured by constitutional guaranty; so as to prevent special legislation with regard to them. It is impracticable, as I have already said, to frame a uniform charter for all our cities. But there are certain fundamental characteristics which ought to be found in all city charters, and ought to be secured by constitutional provision.

There should be more specific constitutional restraints upon legislative power to grant special charters for private corporations; upon special legislation generally; upon legislative awards of extra compensation to claimants under contracts and otherwise; all of which tend greatly to encumber the statute book, demoralize the Legislature, and deplete the treasury.

The veto power needs to be made more effectual. Two-thirds of all the members elected to either House should be required to overrule a veto, and where a bill contains several items of appropriation of money, the Governor should be authorized to refuse his assent to one or more of the items, while approving of others.

I have dwelt at this length upon the defects as they appear to me, of our present Constitution, as the best method of inviting attention on the part of the Legislature and the people to the subject.

The excitement of a long war, and the events succeeding it, have operated to divert our attention from our immediate home affairs. It is time we began to look to them.

The framers of the Constitution of 1846, eager for decentralization of power, made the mistake of supposing that this was to be effected by breaking apart and disconnecting the machinery whereby the State government is to be carried on, and by multiplying the number of elective officers. Decentralization consists in giving to the people of every county or other political subdivision complete control of their own proper local affairs, not in giving to the people of a county the selection of State officers, of officers whose duties are exclusively connected with the general affairs of the State and the enforcement of the laws of the State. It is singular that true decentralization, which is to be found in enlarg-

ing the powers of the boards of supervisors of the several counties, was not provided for in the Constitution except by leaving the matter to be regulated by the Legislature.

Of the various methods by which a revision of the Constitution may be undertaken, my preference is for the appointment of a commission consisting of thirty-two members; and I recommend the passage of an act for the appointment of such a commission.

Mindful of the fact that the majority of the Legislature and the executive are of opposed political parties, I refrain from discussing questions connected with the administration of the federal government, upon which our opinions and views would widely differ; hoping that, in dealing with the home affairs of the State, we may be able to work together, earnestly and heartily, for the promotion of the general welfare of our people.

JOHN T. HOFFMAN.

Also the following:

EXECUTIVE CHAMBER, }  
ALBANY, *January 2, 1872.* }

*To the Legislature:*

The financial condition of New York city is a matter of great interest to the people of the State at large, and, in some degree, to the commercial world, its stocks and bonds being held for investment at home and abroad. In view of the recent events, I deemed it my duty to procure for you full information as to its liabilities and resources, and addressed a letter to the chairman of the State board of commissioners for revision of the tax laws, the Hon. David A. Wells, who seemed to me specially fitted for the work, requesting him to investigate and report to me. In consequence of delay in his obtaining some of the facts, his report did not reach me until my annual message was in print. My letter to him and his reply are as follows:

EXECUTIVE CHAMBER, }  
ALBANY, *November 25, 1871.* }

MY DEAR SIR.—The financial condition and credit of New York city are of interest as well to the people of the State at large as to its own citizens. It is important that the actual condition of our great metropolis, in reference to its indebtedness and its resources, should be made known with accuracy; and I desire to communicate the facts to the Legislature and the people of the State in my next message. Will you undertake to investigate the matter in my behalf?

Very truly yours,  
JOHN T. HOFFMAN.

Hon. DAVID A. WELLS, *Chairman, etc.*

NEW YORK, *December 28, 1871.*

SIR.—In response to your note of November 25th, requesting me to investigate and report to you on the relation which exists between the indebtedness of the city and county of New York and the resources available for the payment of such indebtedness, or the extent of the resources of property which may be fully regarded as constituting an adequate and inalienable security for the ultimate payment in principal and interest of such indebtedness, I have the honor to submit the following exhibit:

## FUNDED DEBT.

By report furnished on request by Hon. A. H. Green, comptroller, it appears that the funded debt—bearing *five, six, and seven* per cent interest—of the city and county of New York, was, on the 16th day of December, 1871, \$87,371,808.51; and the assets of the sinking fund of the city and county—consisting of stocks and cash—available for the redemption of debt, were, on the same day, \$20,137,093.02; thus making the present *net* funded debt of the city and county of New York, \$67,234,715.49.

## FLOATING OR TEMPORARY DEBT.

The temporary or floating debt of the city and county of New York—consisting of bonds issued in anticipation of receipts and assessments, arrears of interest, State taxes, unpaid warrants and the like—was, on the 16th day of December, 1871, \$28,259,071.35; or, deducting cash on hand—\$6,959,919.62 in the city and county treasury—\$21,299,152.73.

In addition to the above, the comptroller also reports claims already presented on unsettled accounts, to an estimated aggregate of \$6,000,000; which last included would make the total *ascertained* debt and “claims presented” of the city and county of New York, on the 16th of December, 1871, \$94,528,867.22.

## PROSPECTIVE INDEBTEDNESS.

So much for the present aspect of the indebtedness of the city and county of New York. In respect to the future, it is to be noted:

*First.* That much of the existing temporary and floating debt of the city and county of New York, as above indicated—including an aggregate of assessment bonds issued in anticipation of the tax receipts of \$14,950,700.00—is redeemable from the collection of assessments, or arrears of taxes, and that a very considerable amount of these assessment and arrears is certain to be collected; and,

*Second.* That the city holds bonds and mortgages on account of sales of real estate to the amount of \$1,132,893.26; the proceeds of which, when collected, are applicable for an increase of the sinking fund held for the redemption of the funded debt.

On the other hand it is known that claims to a very considerable amount for services rendered and materials furnished to the several departments of the city and county government during the year 1871 and previously, are yet to be presented, and that the carrying out of such public works as are already in progress or are certain to be authorized, will also require further additional expenditures.

But in estimating the amount of these prospective requirements for expenditures, it should not be overlooked, that the amount of claims against the city yet to be presented is not likely to be in excess of the arrears of assessments and taxes yet to be collected; and further that the amount to be hereafter expended on account of public improvements cannot, with any regard for economy and moderation, ever prove disproportionate to the concurrent increase in the material resources of the city, arising from its certain and rapid increase in wealth, business and population.

So that making every allowance for contingencies, or any immediate advances on account of public improvements, the total present liabilities of New York city and county may be safely estimated as not in excess of *one hundred millions of dollars*; and further that the ratio which the

liabilities of the city and county at present sustain to their assets and resources, is not likely to be changed for the worse in the future; certainly *not* if the safeguards against corruption and extravagant expenditure, suggested by recent experience, are by the Legislature authorized and provided.

#### INFLUENCE OF PUBLIC IMPROVEMENTS IN AUGMENTING THE SOURCES OF MUNICIPAL REVENUE.

As bearing upon the question of future municipal liabilities, on account of expenditures for public improvements, it is interesting to note the result which has followed one of the largest single items of expenditure authorized by the city for such purpose, and which at the time of its inception was denounced by many as a measure of indefensible extravagance. We refer to the expenditure incurred by reason of the construction of the "Central Park;" the cost of which, up to 1869, is returned at \$10,463,965.

Now an examination of all the facts pertaining to this expenditure will show, that so far from its having been a burden upon the city treasury, it has really proved a direct and important source of revenue. Thus, in 1856, before the park was commenced, the total valuation of real estate for taxation in the three wards around the park, the twelfth, nineteenth, and twenty-second was \$26,429,566; but in 1866, when the park had been practically completed, the valuation of the same property for assessment was returned at \$80,070,415, an increase in ten years of \$53,640,850. And further, the revenue received by taxation on this increased valuation, was sufficient, in 1870, to not only pay the interest on all the bonds of the city issued for the park purchase and construction, but actually afforded a surplus of over (\$3,000,000) *three millions of dollars*; or a sum sufficient, if used as a sinking fund, to pay the entire principal and interest of the cost of the park, in less time than the park was in the course of construction.

#### ASSETS AND RESOURCES.

The maximum of the liabilities of the city and county, on account of indebtedness, having been thus estimated, we come next to the no less important consideration of the assets and resources available for the payment of such indebtedness; or the real tangible property which may be properly regarded in the nature of security or guaranty for the payment of such obligations of indebtedness as the city and county of New York may have lawfully issued.

Any valuation of the public property of the city must from necessity be very indefinite, inasmuch, as many of the items which would be included in any inventory—as the streets, sewers, lamps, public monuments and the like, are not susceptible of a money valuation; and if attached, would be practically of no benefit in the hands of a city creditor; but apart from these, it cannot be doubted that the value of the lands and buildings, wharfs, water, ferry and market rights in possession of the city and county, and which can be readily convertible in open market into a money equivalent, is in excess of every present municipal or county indebtedness.

The valuation of the public property of the city of New York, given by the mayor in an official communication to the board of supervisors, August 16th, 1871, was \$242,985,499.

In this valuation were comprised the following:

Markets .....	\$4,767,374
Sundry lots of land.....	2,719,307
Wharfs and piers .....	13,322,433
Public parks and squares .....	106,416,490
Total.....	<u>\$126,725,574</u>

Next to the so-called public property of the city and county, the property most rapidly available for attachment and levy in case of a default in the payment of the principal or interest of the city's indebtedness, is the real estate of the city and county, the revenue derived from the assessment and taxation of which constitutes also the main element and strength of its municipal credit.

The valuation of this class of property for the year 1871, as returned by the commissioners of taxes and confirmed by the board of supervisors, was \$769,306,410. But it ought to be clearly understood, that this valuation for tax purposes does not represent any fair valuation of the property assessed, or even an approximation thereto, and in great part for the following reasons.

The taxation required to defray the expenditures of the State, as a whole, is apportioned to the several counties of the State according to their property valuation; and hence there has been for years, and is now, a strife between the different boards of county officials to run down the valuation of property to the very lowest practical figure, in order to divert as large a proportion of the State taxation as possible from themselves, and throw it upon the neighbors; and as some of the counties in the interior of the State have been so successful in doing this as to actually reduce their valuation to *thirty, twenty*, and even a smaller proportion of the real and true value of the property assessed, a similar course of procedure has been forced upon the tax officials of New York, as a matter of necessity and local protection. And thus it has come about that, instead of the returned assessment valuation of \$769,306,410 for 1871-2, representing the true market value of the real estate of the city and county of New York, in private ownership, it does not, in all probability, represent more than *forty per cent* of such true value; an estimate which, instead of being a conjecture, is based on a large amount of evidence, recently collected by an expert for the board of commissioners for revising the laws of the State relative to taxation.

The conclusion, therefore, seems warranted that the value of the real estate of the city of New York—public and private—which may be fairly regarded as an available security for the liquidation of the city and county debts, cannot be less than *two thousand million dollars* on which the present debt, as above estimated, namely, \$100,000,000 would be equivalent to a mortgage of five per cent.

In this estimate, it will be observed that no account has been taken of the valuation of the personal property owned or held by citizens of the city or county of New York. The amount of such property valued and assessed for the year 1871-2 was \$306,947,223. The investigations of the State commissioners lead, however, to the conclusion that this amount does not represent so much as *twenty per cent* of the real value of this description of property concentrated in the city of New York; or, in other words, that the true value of the personal property of New York city cannot be estimated at less than *fifteen hundred millions*. Much of this property, it must be acknowledged, can never be reached for assess-



ment purposes by any law which the ingenuity of man can devise ; or which any civilized people would tolerate in respect to execution ; but, whether returned for assessment or not, it nevertheless exists, and by increasing the ability to pay, operates to decrease the real burden of taxation imposed on other property of a more tangible and accessible character.

It is also to be noted, that if the new plan of assessing personal property recommended by the State board of commissioners, and which is to be presented this winter to the Legislature in the form of a definite code, is adopted, namely, doing away with the direct assessment of individuals for personal property, and substituting therefor, as an equivalent the assessment of individuals on a valuation of three times the rent or rental value of the premises by them occupied, the amount or equivalent of such property returned for assessment and taxation will be very greatly increased ; and the financial resources of the city be thereby correspondingly augmented.

#### INCREASE OF NEW YORK IN POPULATION AND WEALTH.

In estimating the prospective ability of the city of New York to sustain and liquidate indebtedness the recent and prospective increase of the city in population and wealth constitutes an element of not a little importance. Thus, from 1820 to the year preceding the outbreak of the civil war, 1860, the average rate of increase for each successive period of five years, was 28 per cent ; a continuous rate of growth, probably without precedent, in any country. During the period of the war, or from 1860 to 1865, the population of the city decreased  $9\frac{1}{2}$  per cent. Since 1865, or during the five years from 1865 to 1870 inclusive, the gain in the population was  $26\frac{1}{2}$  per cent ; thus indicating that the average rate of increase experienced prior to 1860, was again likely to be approximated.

The increase in the valuation of the property of the city and county for assessment purposes, during the *ten* years from 1860 to 1870, was  $82\frac{1}{2}$  per cent.

The present increase in the value of the real estate of the whole city for assessment purposes, is estimated by experts to average about *five* per cent per annum.

#### RELATION OF TAXATION TO POPULATION AND PROPERTY.

It is also interesting to note the relation which taxation sustains to population and property in New York and some of the other leading cities of the country. The following data are derived from the most authentic sources.

*City of New York.*—Population, 1870, 952,292 ; aggregate State, city, county and school taxes, 1870, \$25,403,859 ; special taxes as estimated by officials, \$2,000,000 ; total taxation, \$27,403,859. Taxation *per capita*, \$29.08.

*Boston.*—Population 1870, 250,526 ; aggregate of all taxation, 1870, \$9,050,420 ; taxation *per capita*, \$36.

*Chicago.*—Population 1870, 298,977 ; total taxation, general and special, 1870, \$9,256,333 ; taxation *per capita*, \$30.

But as in the opinion of some experts, the burdens of taxation in any community are properly represented by the relation which the aggregate of the annual levy of taxes sustains to the value of property assessed, attention is further asked to the following comparisons :

In Boston and Philadelphia real estate is returned for assessment at nearly its full marketable value. On this basis, the relation of taxation to real estate valuation in these two cities would be as follows:

*Boston.*—Real estate valuation, 1870, \$365,593,100; aggregate taxation 1870, \$9,050,420; ratio of taxation to real property valuation, 1 to 40.

*Philadelphia.*—Real estate valuation, 1871, \$491,844,096; aggregate taxation, 1871, \$9,026,753; ratio of taxation to real property valuation, 1 to 54.

*Cincinnati.*—Real estate valuation as made anew for 1871, \$123,427,888; aggregate taxation 1871, \$4,004,035; ratio of taxation to real property valuation, 1 to 30.

In the city of New York on the other hand on valuation of real estate acknowledged to be only about 40 per cent of the real property, the ratio of aggregate taxation to real property valuation would have been in 1870, as 1 to 27; but if the valuation of the real estate of New York were advanced in proportion to the value taken for assessment purposes in Boston and Philadelphia, the ratio instead of being as 1 to 27, would be much more favorable than in either of the cities above mentioned, or in the approximative ratio of at least 1 to 65.

It is therefore evident, that in comparison with the actual accumulated and tangible wealth of the city of New York, any liability, on account of indebtedness, which the city has yet incurred, or is prospectively likely to incur, is very insignificant; and, with a reasonably honest, efficient and economical government, such as public opinion and legislative authority, guided by recent experiences, seems certain to compel, there can be no good reason why the interest bearing debt obligations of the city should not be regarded as the most desirable of investments.

I am, yours, most respectfully,

DAVID A. WELLS,

*Chairman Board of Commissioners for revision of the laws of the State of New York, relating to the assessment and collection of taxes.*

To Hon. JOHN T. HOFFMAN,

*Governor of the State of New York.*

I have also received a letter, dated 29th December, 1871, from Hon. Andrew H. Greene, comptroller of the city of New York, in which he says:

“Immediate legislation is essential for the maintenance of the credit of the city by the meeting of the obligations maturing early in January and to make provision for past claims which are due and which are of pressing importance. Equally important is prompt legislation to make provision for the maintenance of the government of 1872.

“As the law appears now (chap. 583, sec. 3 of 1871), no authority exists to make appropriations until May next, leaving the four first months of the year 1872 without any provision by which payments of necessary expenses for these months can be made.”

I respectfully ask your immediate attention to those suggestions, and such early legislation with reference to them as may be necessary and proper.

JOHN T. HOFFMAN.

*Ordered,* That said message be laid on the table and printed.

(See Assembly Doc. No. 6.)



Mr. Benedict presented a memorial from Andrew H. Green, comptroller of the city of New York, relative to the financial condition of said city.

Mr. Benedict moved that said memorial be referred to the Senators from the city of New York, with power to report by bill or otherwise at any time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 16, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

On motion of Mr. Winslow, the Senate adjourned.

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### WEDNESDAY, JANUARY 3, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

The President appointed as the select committee on the revision of the rules Messrs. Woodin, Robertson, and Murphy.

Mr. Baker presented a petition of citizens of Troy for an appropriation to erect a State armory in said city, which was read and referred to the committee on finance.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the act to incorporate the village of Plattsburgh,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on municipal affairs.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. D. P. Wood offered the following :

*Resolved*, That the Senate hold an executive session this day, at twelve o'clock, M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen offered the following :

*Resolved*, That the Clerk of the Senate make the usual arrangements for the payment of postage on all papers received and sent out by Sena-

tors, and also on all public documents sent out by Senators and officers during the session, the postage on any one document not to exceed forty cents; and also to send by express any document costing over forty cents.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lewis moved that the Senate go into committee of the whole upon the bill entitled as follows:

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said entitled bill.

After some time spent therein, the hour of 12 o'clock having arrived, the President resumed the chair, and the Senate went into executive session.

After which, the Senate, in committee of the whole, resumed the consideration of the bill pending at the hour of 12 o'clock.

After some time spent therein, the President resumed the chair, and Mr. Woodin, from said committee, reported in favor of the passage of said named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The Assembly sent for concurrence a resolution in the words following, to wit:

IN ASSEMBLY, *January 3, 1871.*

*Resolved* (if the Senate concur), That when this House adjourn on Thursday next it adjourn to meet on Tuesday morning next, at 11 o'clock A. M.

Unanimous consent being given for the consideration of said resolution, Mr. Woodin moved to amend by striking out the words "this House," and inserting "Legislature" in lieu thereof. Also strike out "11 o'clock A. M.," and insert in lieu thereof "7:30 P. M."

Mr. Benedict moved to further amend by striking out "Tuesday," and inserting "Friday" in lieu thereof.

The President put the question whether the Senate would agree to said motion of Mr. Benedict to amend, and it was decided in the negative.

The President put the question whether the Senate would agree to said motion of Mr. Woodin to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Benedict presented the petition of J. O'Donovan Rosa praying for the seat of the Senator from the fourth Senatorial district, which was read and referred to the committee on privileges and elections.

Also, a memorial of the executive committee of the committee of citizens, tax-payers of the city and county of New York, in reference to the recent election in the fourth Senate district of the State of New York, praying that the seat of William M. Tweed be vacated, and a new election ordered, which was read and referred to the committee on privileges and elections.

Also, a memorial of electors of the fourth Senatorial district, praying for the expulsion of William M. Tweed from the Senate, which was read and referred to the committee on privileges and elections.

Mr. Woodin called for the consideration of the concurrent resolutions offered by him yesterday, as follows :

*Whereas*, The Legislature of the State of New York, at its annual session in 1870, adopted a preamble and resolution in the words and figures following, to wit :

*"Whereas*, At the last session of the Legislature of this State a preamble and concurrent resolution were adopted in the words and figures following, to wit :

*"Whereas*, At the session of the fortieth Congress it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article shall be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which amendment, when it shall have been ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely :

**"ARTICLE FIFTEEN.**

*"§ 1.* The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

*"§ 2.* The Congress shall have power to enforce this article by appropriate legislation.

*"Therefore, Resolved* (if the Assembly concur), That the said proposed amendment to the Constitution be, and the same is hereby ratified by the Legislature of the State of New York.

*"And whereas*, The proposed Fifteenth Amendment, above recited, has not been ratified by the Legislatures of three-fourths of the several States, and has not become a part of the Constitution of the United States ; and whereas the State of New York, represented in the Legislature here now assembled, desire to withdraw the consent expressed in the above recited concurrent resolutions ;

*"Now, therefore, be it Resolved* (if the Assembly concur), That the above recited concurrent resolution be, and it is hereby repealed, rescinded, and amended.

*"And be it further Resolved* (if the Assembly concur), That the Legislature of the State of New York refuse to ratify the above recited proposed Fifteenth Amendment to the Constitution of the United States, and withdraw absolutely any expression of consent heretofore given thereto or ratification thereof.

*"Be it further Resolved* (if the Assembly concur), That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States at Washington, and to every member of the Senate and House of Representatives of the United States, and the Governors of the several States."

*And whereas*, The said preamble and resolution were transmitted to and are now on file in the Department of State at Washington, purporting to withdraw the assent of the people of the State of New York to the Fifteenth Amendment to the Federal Constitution, previously given by the Legislature of this State, to which said amendment had been regularly proposed ; and whereas the action of the Legislature of 1870, in

entertaining and adopting the said preamble and resolution, is deemed an unwarranted assumption of authority over a subject-matter not within its prerogatives.

*And whereas,* It is desirable that the record of the State of New York shall be clear and unequivocal in favor of the said Fifteenth Amendment, therefore,

*Resolved* (if the Assembly concur), That the preamble and resolutions adopted by the Legislature of this State in 1870, purporting to withdraw the assent of the people of this State previously given to the Fifteenth Amendment of the Federal Constitution, be and the same are hereby rescinded.

*Resolved* (if the Assembly concur), That the Secretary of the Department of State at Washington be and he is hereby requested (if not inconsistent with the rules and regulations of his Department) to return to the Governor of this State the preamble and resolutions of the Legislature of this State, passed in 1870, and now on file in his office, which purport to withdraw the assent of the people of this State to the adoption of the Fifteenth Amendment of the Federal Constitution.

*Resolved* (if the Assembly concur), That the Governor be and he is hereby requested to transmit a copy of this preamble and the resolutions accompanying the same to the Secretary of State of the United States.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lewis	Palmer	Weisman
Allen	Cock	Lowery	Perry	Winslow
Ames	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Tieman	J. Wood
Benedict	Graham	O'Brien	Wagner	Woodin
Bowen	Johnson			

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**FOR THE NEGATIVE.**

Hardenbergh

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When the name of Mr. Hardenbergh was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said motion to excuse, and it was decided in the negative.

Whereupon he voted in the negative.

*Ordered,* That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to incorporate the Batavia Library Association, and appropriating money thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Hardenbergh, the Senate adjourned.

## THURSDAY, JANUARY 4, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Clark.

The journal of yesterday was read and approved.

The Clerk announced the following appointments:

*Deputy Clerk*—Henry A. Glidden, of Orleans county.

*Journal Clerk*—Charles R. Dayton, of Suffolk county.

*Engrossing Clerk*—W. W. Pierson, of Westchester county.

*Executive Clerk*—Moses Rich, of St. Lawrence county.

*Librarian*—L. L. Kane, of Herkimer county.

*Assistant Librarian*—De Forest N. Parker, of Cattaraugus county.

Mr. Benedict, from the select committee consisting of the Senators from New York city, to which was referred the petition of Andrew H. Green, comptroller of said city, relative to the financial condition of said city, reported by bill entitled "An act conferring power on the comptroller of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Benedict moved that the Senate now resolve itself into a committee of the whole upon said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Robertson offered the following:

*Resolved*, That the 21st subdivision of rule 17, be amended so as to read as follows: "On affairs of cities, to consist of seven members."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson presented a petition of Joseph Raymond, for inquiry into the expediency of enacting certain laws for the government of the counties of New York, Kings, Westchester and Richmond; which was read and referred to the committee on municipal affairs.

The Assembly returned the concurrent resolution relative to adjournment, with a message that they had concurred in the amendments of the Senate thereto.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to repeal chapter 907, Laws of 1869, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads.

Mr. Woodin offered the following:

*Resolved*, That the following Senators be and are hereby appointed members of the standing committees of the Senate for 1872, viz.:

*Claims*—Messrs. Bowen and Dickinson.

*Finance*—Messrs. D. P. Wood, Lowery, Winslow and Adams.

*Judiciary*—Messrs. J. Wood, Robertson, Ames and Allen.

*Militia*—Messrs. Harrower and J. Wood.

*Canals*—Messrs. Lewis, Chatfield, Baker and McGowan.

*Railroads*—Messrs. Madden, Baker, Wagner and Foster.

*Roads and Bridges*—Messrs. Chatfield and Dickinson.

*Literature*—Messrs. Benedict and Bowen.

*State Prisons*—Messrs. Ames and Harrower.

*Banks*—Messrs. Winslow and Adams.

*Insurance*—Messrs. Perry and Winslow.

*Erection and Division of Towns and Counties*—Messrs. Foster and Madden.

*Agriculture*—Messrs. McGowan and Harrower.

*Commerce and Navigation*—Messrs. Robertson, Graham, Weisman and Lewis.

*Manufactures*—Messrs. Lowery and Harrower.

*Public Health*—Messrs. Weisman and Chatfield.

*Privileges and Elections*—Messrs. Allen and Perry.

*Engrossed Bills*—Messrs. Woodin, Benedict, D. P. Wood and Bowen.

*Indian Affairs*—Messrs. Dickinson and Allen.

*Public Expenditures*—Messrs. Wagner and J. Wood.

*Affairs of Cities*—Messrs. Palmer, Perry, Benedict, Adams and Chatfield.

*Public Buildings*—Messrs. Adams and Weisman.

*Poor Laws*—Messrs. Foster and Ames.

*Charitable and Religious Societies*—Messrs. Baker and D. P. Wood.

*Retrenchment*—Messrs. Graham and Madden.

*Grievances*—Messrs. Chatfield and Wagner.

*Salt*—Messrs. Foster and McGowan.

*Internal Affairs*—Messrs. Graham and Ames.

*Printing*—Messrs. Bowen and Palmer.

*Villages*—Messrs. Dickinson and Bowen.

*Joint Library*—Messrs. Adams and Benedict.

Mr. Bowen moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

Mr. Bowen moved to amend said resolution by striking his name from the committee on claims.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer offered the following :

*Resolved*, That the vacancies on the several committees be filled by the President of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Foster offered the following :

*Resolved*, That Frank P. Tuppe be and he is hereby appointed Stenographer of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Woodin, the Senate adjourned.



## TUESDAY, JANUARY 9, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of Thursday was read and approved.

Mr. Benedict presented a memorial of Columbia College, praying for an act authorizing it to dispose of and purchase lands for sites; which was read and referred to the committee on literature.

The President presented the following :

SENATE CHAMBER, }  
ALBANY, January 9, 1872. }

*To the Honorable the Senate :*

On the 4th day of January, inst., the Senate, after appointing certain of the Senators upon each of the standing committees, adopted the following resolution, viz. :

*“Resolved, That the vacancies on the several committees be filled by the President of the Senate.”*

To this resolution the President of the Senate respectfully responds, that he is clearly of the opinion that it is not his duty to appoint parts of committees.

He is informed that the resolution was designed as an act of courtesy to himself.

He tenders his thanks and acknowledgments for the courtesy, but respectfully declines availing himself of it.

ALLEN C. BEACH,  
*President of the Senate.*

Mr. Baker gave notice that he would, at an early day, ask leave to introduce a bill to authorize O. Richards & Son to construct and maintain a swing bridge over the Glens Falls feeder, in the village of Sandy Hill.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill entitled “An act in relation to filling vacancies in the board of public instruction of the city of Albany.”

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill entitled “An act to authorize the construction of an avenue from the city of Albany to the city of Cohoes.”

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled “An act to equalize representation in the board of supervisors in Fulton county;” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled “An act to incorporate the Association of the Bar of Oneida county;” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to intro-



duce a bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Oneida county to George A. Reynolds;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to repeal section two of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend chap. 156, of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county;'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of villages.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the Circuit Courts, Courts of Oyer and Terminer and Special Terms of the Supreme Court in the sixth, seventh and eighth judicial districts;'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Adams offered the following:

*Resolved*, That two thousand copies of the report of the new Capitol Commissioners be printed for the use of the Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Palmer moved that the committee on railroads be discharged from the further consideration of the following entitled bill, and that the Senate do now resolve itself into a committee of the whole on said bill, to wit:

"An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds, and substitute therefor bonds of a larger denomination."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of said named bill, without amendment, which report was agreed to.

On motion of Mr. Palmer, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	O'Brien	Tieman
Allen	Chatfield	Lord	Palmer	Wagner
Ames	Cock	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham			

22

## FOR THE NEGATIVE.

Johnson

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Wagner
Allen	Chatfield	Lewis	Perry	Weismann
Ames	Cock	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tieman	

19

## FOR THE NEGATIVE.

O'Brien

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Chatfield, the Senate adjourned.

WEDNESDAY, JANUARY 10, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Clark.

The journal of yesterday was read and approved.

Mr. Lowery presented a petition of George A. Reynolds for release of lands; which was read and referred to the committee on the judiciary.

Also, a petition of the members of the bar of Oneida county for an "Association of the Bar" of said county; which was read and referred to the committee on the judiciary.

Mr. Baker presented a petition of the board of education of Salem, Washington county, for a law authorizing them to borrow money for school purposes; which was read and referred to the committee on literature.

Mr. Chatfield presented a remonstrance of T. C. Platt and sixty-nine others, of Owego, against any legislation for the benefit of foreign stockholders of the Erie railroad; which was read and referred to the committee on railroads.

Mr. Bowen presented two remonstrances against placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal section 2 of an act entitled 'An act to further amend the charter of the village of Albion in the county of Orleans, passed April 2, 1871,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds and to substitute therefor bonds of a larger denomination."

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the New Capitol Commissioners, reported in favor of the adoption of the following:

*Resolved*, That 1,500 copies of the report of the New Capitol Commissioners be printed for the use of the Commissioners, and 500 for the use of Senators.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Baker gave notice that he would, at an early day, ask leave to introduce a bill authorizing the construction of a bridge across the Hudson river at the city of Troy.

Also, a bill to enable the board of education of the village of Salem to borrow money for school purposes from the common school fund or otherwise, and to provide for the payment thereof, with interest, by tax on said village.

Mr. Bowen gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto, passed March 17, 1871."

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to provide for the payment of certain bonds of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act to incorporate the Delhi Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on villages.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act supplementary to the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed February 17, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Adams asked and obtained leave to intro-

duce a bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

In pursuance to previous notice, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to authorize O. Richards & Son to construct and maintain a swing bridge over the Glens Falls feeder, in the village of Sandy Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish a Recorder's Court in the city of Utica, and for other purposes,' passed May 7, 1844," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore Railroad, and to amend the several acts in relation thereto,' passed March 17, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lowery offered the following:

*Resolved*, That the Senate hold an executive session this day at twelve o'clock M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. J. Wood rose to a question of privilege, relative to certain charges made in the New York Tribune of the 4th inst., and requested that a committee be appointed to investigate said charges.

Mr. Tieman moved that a committee of investigation be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Palmer, from the standing committee on affairs of cities, to which was referred the bill entitled "An act to provide for the payment of certain bonds of the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Benedict, and by unanimous consent, the Senate resolved itself into a committee of the whole and proceeded to the consideration of said entitled bill.

After some time spent therein the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of said bill, which report was agreed to and said bill ordered engrossed for a third reading.

The Clerk announced the following appointments :

*Clerk and Bank Messenger*—S. C. Curran.

*Librarian's Messenger*—Joseph Walker.

*Sergeant-at-Arms' Messenger*—John W. Hannan.

*Post-office Messenger*—W. J. H. Parker.

*Pages, first half*—George Schofield, James McCabe, James B. Lang, Frank Hagan, Andrew Tracy, James P. Minhan.

*Second half*—Robert Stafford, Wilbur T. Lockwood, Roswell Clark, Denny Cushing, Edward Risch, Edward Rogers.

The President announced the following appointment :

*President's Messenger*—Lewis C. Holmes.

Mr. Palmer moved that the Senate take a recess for five minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

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11:50 O'CLOCK, A. M.

The Senate again met.

On motion of Mr. Palmer, and by unanimous consent, the bill entitled "An act to provide for the payment of certain bonds of the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann	
Allen	Cock	Lewis	Perry	Winslow	
Ames	Dickinson	Lowery	Robertson	D. P. Wood	
Baker	Foster	McGowan	Tieman	J. Wood	
Benedict	Graham	O'Brien	Wagner	Woodin	25

By unanimous consent, the rule was suspended and said bill ordered transmitted to the Assembly immediately, with a message requesting concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to provide for the payment of certain bonds of the city and county of New York."

The hour of 12 o'clock having arrived, the Senate went into executive session ; and, after some time spent therein, the doors were opened and legislative business resumed.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment :

"An act to provide for the payment of certain bonds of the city and county of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Woodin, the Senate adjourned.

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THURSDAY, JANUARY 11, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Selkirk.

The journal of yesterday was read and approved.

Mr. Chatfield presented a remonstrance of forty-two citizens of Tioga county against any legislation for the benefit of foreign stockholders of

the Erie Railway; which was read and referred to the committee on railroads.

Messrs. Allen and Madden presented four remonstrances against placing the Erie Railway under control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Graham presented a petition of the trustees of the village of Delhi, and others, for the passage of an act incorporating Delhi Water-works Company; which was read and referred to the committee on the affairs of villages.

Mr. Benedict presented a memorial of J. D. Jones, and other underwriters, for an amendment to the act to re-organize the warden's office of the port of New York; which was read and referred to the committee on commerce and navigation.

Mr. Lowery presented a petition of the board of supervisors of the county of Oneida, for the amendment of chap. 92 of the Laws of 1869, relative to compensation of the members of the board of supervisors of Oneida county; which was read and referred to the committee on internal affairs of towns and counties.

Also a petition of the board of supervisors of the county of Oneida, asking for the repeal of chap. 312, of the Laws of 1859; which was read and referred to the committee on internal affairs of towns and counties.

Mr. Harrower presented three petitions for amendments to the laws relative to enrollment of the National Guard; which were read and referred to the committee on militia.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."

Mr. Bowen, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Batavia Library Association, and appropriating certain money thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Association of the Bar of Oneida county," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh, and eighth judicial districts,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a preamble and resolution in the words following, to wit:

Whereas, Grave charges and reflections have appeared in the public prints in and about the city of New York against and upon the office of the district attorney of the city of New York; said charges being that



the said district attorney's office shields criminals and fails to bring parties indicted for crime to trial, after the lapse of many months after indictment; after there having been sufficient time therefor, wherein to bring said persons charged with crime to trial and punishment.

*And whereas*, The election of a city judge, with concurrent power with the recorder, was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished; therefore

*Resolved* (if the Senate concur), That the committee on the judiciary of the Senate and the like committee on the part of the House investigate such alleged abuses; and, in addition thereto, that said committee are particularly directed to investigate the said office as to the number of indictments now on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said joint committee shall deem best for the public good, and that the said committee have power to send for persons and papers, and report back, as soon as prepared so to do, before the final adjournment of this session. Such investigation to be conducted without expense to the State.

*Ordered*, That said resolution be laid on the table.

Mr. Ames gave notice that he would, at an early day, ask leave to introduce a bill providing for appeals from decisions of county superintendents of the poor.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the National Trust Company of the city of New York.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to legalize and confirm the acts and proceedings of Henry C. Duryea as special surrogate of the county of Orange.

Also, a bill to dissolve the New York and Richmond Granite Company.

In pursuance of previous notice, Mr. Baker asked and obtained leave to introduce a bill entitled "An act authorizing the construction of a bridge across the Hudson river at Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to enable the board of education of the village of Salem to borrow money for school purposes from the common school fund or otherwise, and to provide for the payment thereof with interest by tax on said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Tieman asked and obtained leave to introduce a bill entitled "An act limiting and defining the operation and construction of chapter 724, of the Laws of 1871, entitled 'An act to define the powers of the corporation attorney of the city of New York, in suits for fines and penalties,' April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act in relation to dividends of life insurance

companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nursery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend and simplify section 121 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to incorporate the Underground Railway Company, and to authorize said company to construct sub-ways for a railway in the city of New York, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act relating to contracts for local improvements in the city of New York, and the assessments for such improvements," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to incorporate the Albany Produce Commission Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' passed May 17, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850," so as to permit municipal corporations to aid in the construction of railroads,' passed May 19, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Ames offered the following:

*Resolved*, That Senators Robertson, Allen, and Lord be and they are hereby appointed a committee to investigate and report upon the charges contained in the New York Tribune of the 4th instant against Senator James Wood, with power to send for persons and papers.

Mr. Robertson moved to amend the resolution by striking out his name, and inserting in lieu thereof the name of Mr. Ames.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Lowery offered the following:

*Resolved*, That the Comptroller be requested to report to the Senate, as soon as practicable, the whole number of warrants drawn on the treas-

ury to pay for services of officers and attendants, of every description, of the Senate, for the session of 1871, the amount of each warrant, the name of the person for whom it was drawn, and the character of the service for which compensation was claimed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

“An act to repeal section two of an act entitled ‘An act to further amend the charter of the village of Albion, in the county of Orleans,’ passed April 27, 1871.”

After some time spent therein, the President resumed the chair, and Mr. Lord, from said committee, reported in favor of the passage of said bill with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The President presented the nineteenth annual report of the Children’s Aid Society of New York, which was laid on the table and ordered printed.

(See Doc. No. 6.)

Mr. Palmer offered the following :

*Resolved*, That 500 copies of the nineteenth annual report of the Children’s Aid Society be printed for the use of the Senate, and 500 for the use of the Society.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Benedict moved that the bill entitled “An act conferring powers upon the comptroller of the city of New York ” be re-committed to the Senators from the county of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord offered the following :

*Resolved*, That 1,000 copies of the annual message of His Excellency the Governor be printed for the Governor, and 1,000 copies for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same without amendment :

“An act to amend an act entitled ‘An act to revise the charter of the city of Buffalo,’ passed April 28, 1870.”

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Bowen, the Senate adjourned.

## FRIDAY, JANUARY 12, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Clark.

In the absence of the President of the Senate the Senate was called to order by the Clerk.

Mr. Palmer moved that Hon. William B. Woodin be and he is hereby elected President *pro tem.* of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry offered the following:

*Resolved*, That a committee of two be appointed to wait upon the honorable the Assembly, and inform that body of the election of Hon. William B. Woodin as President *pro tem.* of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. Perry and Cock.

Mr. Chatfield offered the following:

*Resolved*, That a committee of two be appointed to wait upon His Excellency the Governor, and inform him that the Senate have elected Hon. William B. Woodin as President *pro tem.* of that body.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. Chatfield and Johnson.

The journal of yesterday was read and approved.

Messrs. Lewis, Bowen, and Chatfield presented remonstrances against any legislation placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Robertson presented a petition of S. R. Knapp and others, trustees of Peekskill academy, in the county of Westchester, for an additional appropriation from the literature fund for the support of academies; which was read and referred to the committee on literature.

Mr. Ames presented a petition of citizens of Plattsburgh asking for the repeal of so much of chapter 614 of the Laws of 1871 as relates to the establishment of a market in said village; which was read and referred to the committee on villages.

Mr. Harrower presented a petition and resolution of the board of supervisors of the county of Steuben for the amendment of the militia laws; which were read and referred to the committee on the militia.

Mr. Lowery presented a petition for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county; which was read and referred to the committee on the affairs of cities.

Mr. Perry, from the committee appointed to wait upon the Assembly and inform that body of the election of Hon. William B. Woodin as President *pro tem.* of the Senate, reported that they had discharged that duty.

Mr. Chatfield, from the committee appointed to wait upon the Governor and inform him of the election of Hon. William B. Woodin as President *pro tem.* of the Senate, reported that they had discharged that duty.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to repeal section two of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871."

Mr. Benedict, from the committee on literature, to which was referred the petition of Columbia College praying for authority to purchase lands, reported by bill entitled "An act in relation to Columbia College, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee of the whole.

Mr. Dickinson, from the committee on villages, to which was referred the bill entitled "An act to incorporate the Delhi Water-works Company,"

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weisman
Allen	Chatfield	Lewis	Perry	Winslow
Ames	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tieman	J. Wood
Benedict	Graham	Madden	Wagner	24

## FOR THE NEGATIVE.

Lord 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Benedict moved that the select committee consisting of the Senators from New York, be discharged from the further consideration of the bill, entitled "An act conferring additional powers upon the comptroller of the city of New York," and that it be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the Governor's message, reported in favor of the adoption of the following:

*Resolved*, That 2,500 copies of the annual message of His Excellency the Governor be printed for the Governor, and 1,000 for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Children's Aid Society of New York, reported in favor of the adoption of the following:

*Resolved*, That 500 copies of the nineteenth annual report of the Children's Aid Society be printed for the use of the Senate, and 500 for the use of the Society.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Chatfield offered the following:

*Resolved*, That when the Senate adjourn this day it will stand adjourned until Monday next, at 7:30 P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

## FOR THE AFFIRMATIVE.

Baker	Harrower	Lord	Palmer	Weisman
Chatfield	Johnson	McGowan	Perry	D. P. Wood
Cock	Lewis	Madden	Wagner	J. Wood
Dickinson				16

## FOR THE NEGATIVE.

Adams	Benedict	Foster	Robertson	Winslow
Allen	Bowen	Lowery	Tieman	Woodin
Ames				11



to the towns of Salina and Clay and the village of Liverpool in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to repeal an act in relation to the Third Avenue Savings Bank.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to establish the compensation of county judges and surrogates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, mortgage its real estate and personal property in certain towns in Onondaga, Oswego and Jefferson counties, to issue bonds in aid thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to release certain juvenile delinquents from certain disqualifications," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act to provide for the construction of an underground railway in the city of New York, being supplemental to and amendatory of chapter 842, of the Laws of 1868, an act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the water of said rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to repeal chapter 360, of the Laws of 1821, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black Lake, and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the laws of 1868,' passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to repeal section two of an act entitled "An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weisman
Allen	Chatfield	Lewis	Perry	Winslow
Ames	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tieman	J. Wood
Benedict	Graham	Madden	Wagner	24

## FOR THE NEGATIVE.

Lord

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Benedict moved that the select committee consisting of the Senators from New York, be discharged from the further consideration of the bill, entitled "An act conferring additional powers upon the comptroller of the city of New York," and that it be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the Governor's message, reported in favor of the adoption of the following:

*Resolved*, That 2,500 copies of the annual message of His Excellency the Governor be printed for the Governor, and 1,000 for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Children's Aid Society of New York, reported in favor of the adoption of the following:

*Resolved*, That 500 copies of the nineteenth annual report of the Children's Aid Society be printed for the use of the Senate, and 500 for the use of the Society.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Chatfield offered the following:

*Resolved*, That when the Senate adjourn this day it will stand adjourned until Monday next, at 7:30 P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

## FOR THE AFFIRMATIVE.

Baker	Harrower	Lord	Palmer	Weisman
Chatfield	Johnson	McGowan	Perry	D. P. Wood
Cock	Lewis	Madden	Wagner	J. Wood
Dickinson				16

## FOR THE NEGATIVE.

Adams	Benedict	Foster	Robertson	Winslow
Allen	Bowen	Lowery	Tieman	Woodin
Ames				11

Mr. Foster moved that the Senate hold an executive session at 12 o'clock M., to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry offered the following:

*Resolved*, That each of the following committees be authorized to employ a clerk, viz.: Finance, judiciary, affairs of cities, affairs of villages, literature, railroads, insurance, canals, claims, internal affairs of towns and counties, engrossed bills, roads and bridges, privileges and elections, and that the committees on banks and militia be authorized to employ a clerk jointly.

Mr. Robertson moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Batavia Library Association, and appropriating certain money thereto."

"An act to amend an act entitled 'An act in relation to stenographers in the Circuit Courts, Courts of Oyer and Terminer and Special Terms of the Supreme Court, in the sixth, seventh and eighth judicial districts.'"

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady."

After some time spent therein the President resumed the chair, and Mr. Allen, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Allen, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to incorporate the Association of the Bar of Oneida county."

After some time spent therein the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of said named bill, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Allen, the Senate adjourned.

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MONDAY, JANUARY 15, 1872.—7:30 P. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The journal of Friday was read and approved.

Mr. Benedict presented a petition of John T. Mills praying that he may be allowed to run cars in New York where rail tracks have been built over the streets of his stage routes; which was read and referred to the committee on railroads.

After some time spent therein the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the said named bills, which report was agreed to and said bills ordered engrossed for a third reading.

On motion of Mr. Allen, the Senate adjourned.

## TUESDAY, JANUARY 16, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Alderman.

The journal of yesterday was read and approved.

Mr. Baker presented a petition of citizens of Washington county for an increased appropriation for the literature fund; which was read and referred to the committee on literature.

Messrs. J. Wood, Lord, Madden, Allen, Harrower, Chatfield, and Bowen, severally, presented remonstrances against placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court, in the sixth, seventh, and eighth judicial districts.'"

"An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady."

"An act to incorporate 'The Association of the Bar of Oneida county.'"

"An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill.'"

"An act to enable the board of education of the village of Salem to borrow money for school purposes from the common school fund or otherwise, and to provide for the payment thereof, with interest, by tax on said village."

"An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844."

The President presented the third annual report of the Trustees of the Willard Asylum for the Insane; which was laid on the table and ordered printed.

(*See Doc. No. 9.*)

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to incorporate the National Trust Company of the city of New York, passed April 19, 1867."

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill for the protection of tax-payers against frauds, embezzlements and wrongful acts of public officers and agents.

Mr. D. P. Wood gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the grand army of the republic.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to authorize the construction of an avenue

from the city of Albany to the city of Cohoes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to dissolve the New York and Richmond Granite Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act in reference to holding interests in real estate by aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act concerning the Sodus Bay, Corning and New York Railroad Company and providing for a change in its corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to provide for an additional sinking fund for the payment of bonds issued by municipal corporations in aid of the Sodus Bay, Corning and New York Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms of the supreme court, in the sixth, seventh and eighth judicial districts,' having been announced for a third reading,

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was amended by inserting after the word "fourth" the word "fifth."

Insert as section 2 the following:

Section 2, chapter 41, of the Laws of 1867, and 672 of the Laws of 1869, are hereby repealed.

Change section 2 to section 3.

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Winslow
Allen	Cock	Lord	Robertson	D. P. Wood
Ames	Foster	Madden	Wagner	J. Wood
Baker	Graham	Palmer	Welsmann	Woodin
Benedict	Harrower			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Bowen	Foster	Palmer	Weismann	
Allen	Chatfield	Graham	Perry	Winslow	
Ames	Cock	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Lewis	Wagner	Woodin	
Benedict					21

**FOR THE NEGATIVE.**

Lord	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate 'The Association of the Bar of Oneida county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Bowen	Graham	Madden	Weismann	
Allen	Chatfield	Harrower	Palmer	Winslow	
Ames	Cock	Johnson	Perry	D. P. Wood	
Baker	Dickinson	Lewis	Robertson	Woodin	
Benedict	Foster	Lord	Wagner		24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Benedict	Foster	Palmer	Weismann	
Allen	Chatfield	Graham	Perry	Winslow	
Ames	Cock	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Madden	Wagner	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the board of education of the village of Salem to borrow money for school purposes, from the common school fund, or otherwise, and to provide for the payment thereof, with interest, by tax on said village," having been announced for a third reading,

Mr. Lewis moved to recommit the same to the committee on literature.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord offered the following:

*Whereas*, The Congress of the United States has enacted a law providing for a so-called civil service, as stated in a speech delivered in the Senate of the United States, on the 11th day of January, by the Hon. Roscoe Conkling, a Senator from this State, when that honorable Senator used the following language: "The head and front of the change is to make the bestowal of place no longer hinge on the will of the appointing power. In other words, we are about to try the withdrawal of political patronage from politics;" and

*Whereas*, The canals of this State and their proper management are of vast State and national importance, and they should not be used as a political power or subject to merely political management; and

*Whereas*, The Canal Commissioners are, by the Constitution, made the responsible officers for their proper care and management of the canals, and are elected by the people with a view to their capacity and fitness for such duties; therefore,

*Resolved*, That this Senate request the Canal Board to devolve upon the said commissioners the selecting of their own subordinates, that they may be duly held to their proper and constitutional responsibility in relation to the careful management and condition of the canals.

Mr. Madden moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ames offered the following:

*Resolved*, That the following named Senators be and they are hereby appointed members of the standing committees of the Senate for 1872, as follows, viz.:

*Claims*—Mr. Hardenbergh.

*Finance*—Mr. Lord.

*Judiciary*—Mr. Murphy.

*Militia*—Mr. O'Brien.

*Canals*—Mr. Johnson.

*Railroads*—Mr. Hardenbergh.

*Roads and Bridges*—Mr. Cock.

*Literature*—Mr. Murphy.

*State Prisons*—Mr. Hardenbergh.

*Banks*—Mr. O'Brien.

*Insurance*—Mr. Tiemann.

*Erection and Division of Towns and Counties*—Mr. Johnson.

*Agriculture*—Mr. Lord.

*Commerce and Navigation*—Mr. Murphy.

*Manufactures*—Mr. Johnson.



*Public Health*—Mr. O'Brien.

*Privileges and Elections*—Mr. Hardenbergh.

*Engrossed Bills*—Mr. Cock.

*Indian Affairs*—Mr. O'Brien.

*Public Expenditures*—Mr. Tiemann.

*Affairs of Cities*—Messrs. Weismann and Tiemann.

*Public Buildings*—Mr. O'Brien.

*Poor Laws*—Mr. Hardenbergh.

*Charitable and Religious Societies*—Mr. Tiemann.

*Retrenchment*—Mr. Cock.

*Grievances*—Mr. Johnson.

*Manufacture of Salt*—Mr. Lord.

*Internal Affairs*—Mr. Cock.

*Public Printing*—Mr. O'Brien.

*Rules*—Mr. Murphy.

*Joint Library*—Mr. Tiemann.

*Affairs of Villages*—Mr. Lord.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment.

"An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds and to substitute therefor bonds of a larger denomination."

"An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortland and village of Peekskill.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Madden moved to take from the table the resolution heretofore offered by Mr. Lord, and that the same be referred to the committee on canals, to wit:

*Whereas*, The Congress of the United States has enacted a law providing for a so-called civil service, as stated in a speech delivered in the Senate of the United States, on the 11th day of January, by the Hon. Roscoe Conkling, a Senator from this State, when that honorable Senator used the following language: "The head and front of the change is to make the bestowal of place no longer hinge on the will of the appointing power. In other words, we are about to try the withdrawal of political patronage from politics;" and

*Whereas*, The canals of this State, and their proper management, are of vast State and national importance, and they should not be used as a political power or subject to merely political management; and

*Whereas*, The Canal Commissioners are, by the Constitution, made the responsible officers for their proper care and management of the canals, and are elected by the people with a view to their capacity and fitness for such duties; therefore,

*Resolved*, That this Senate request the Canal Board to devolve upon the said commissioners the selecting of their own subordinates, that they may be duly held to their proper and constitutional responsibility in relation to the careful management and condition of the canals.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

Mr. Johnson offered the following:

*Resolved*, That 2,000 copies of the annual report of the trustees of the Willard Asylum be printed for the use of the institution.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Bowen moved that the bill entitled "An act to incorporate the Batavia Library Association and appropriating certain moneys thereto," be recommitted to the committee on literature and retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize the acts of Robert H. Hill, a justice of the peace of the town of Kingston, Ulster county."

"An act to incorporate the Delhi Water Company."

"An act in relation to filling vacancies in the board of public instruction of the city of Albany."

After some time spent therein the President resumed the chair, and Mr. Perry, from said committee, reported in favor of the passage of said first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Perry, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Perry, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Chatfield, the Senate adjourned.

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## WEDNESDAY, JANUARY 17, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The journal of yesterday was read and approved.

Messrs. Madden, Bowen, Chatfield, Allen, Lewis and J. Wood severally presented remonstrances against placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Tiemann presented five petitions of citizens of New York (and patrons of the Third Avenue Railroad Company, that permission be granted to run palace and drawing room cars on said railroads; which were read and referred to the committee on railroads.

Mr. Perry presented a petition of Elizabeth Dorothea Brevoort and others relative to lands devised by the late Leffert Lefferts of Brooklyn; which was read and referred to the committee on the judiciary.

Mr. Baker presented a petition of citizens of Washington county, for an increased appropriation for the literature fund; which was read and referred to the committee on literature.

Mr. Lowery presented a petition in favor of an act to establish the

tenth ward in the city of Utica; which was read and referred to the committee on the affairs of cities..

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Albany Produce Commission Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act providing for appeals from the decisions of county superintendents of the poor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to relieve juvenile delinquents from certain disqualifications," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nursery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads in the towns of Salina and Clay, and the village of Liverpool, in the county of Onondaga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend 'An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river, at a place or point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county,' passed May 10, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the trustees of the Willard Asylum, reported in favor of the adoption of the following resolution:

*Resolved*, That 2,000 copies of the annual report of the trustees of the Willard Asylum be printed for the use of the institution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to filling vacancies in the board of public instruction of the city of Albany."

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act in relation to the dividends of Life Insurance Com-

panies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to the filing of the certificate of incorporation of 'The Keating Lumber Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof; and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the law of limited partnerships," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to construct certain roads from settlements in Lewis county to Brown's tract, in Herkimer county," passed June 8, 1853, and the acts to continue in force said act and amendatory thereof, passed April 18, 1859, to April 14, 1865.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to promote the rapid transit of persons and property in the city of New York.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to extend the time for the completion of the Erie and New York City railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Tieman asked and obtained leave to introduce a bill entitled "An act to open and extend certain streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

In pursuance of previous notice, Mr. Winslow asked and obtained leave

to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

Mr. Tieman offered the following:

*Resolved*, That the Senate hold an executive session this day at 12 o'clock m.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act relative to Savings Banks,' passed May 10, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to establish the tenth ward in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act in relation to witnesses in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend chapter 917, of the Laws of 1869, authorizing the consolidation of certain railroad companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	Winslow
Baker	Foster	Madden	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	Woodin
Bowen	Harrower	Palmer		

28

**FOR THE NEGATIVE.**

Johnson

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the acts of Robert H. Hill, a justice of the peace of the town of Kingston, Ulster county," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow
Allen	Foster	McGowan	Robertson	D. P. Wood
Ames	Graham	Madden	Tieman	J. Wood
Baker	Harrower	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Palmer offered the following :

*Resolved*, That a respectful message be sent to the superintendent of the United States census, requesting him to forward to this Senate the last census of this State by counties, in order that the Legislature may proceed to make the proper congressional apportionment by districts.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also the following :

*Resolved*, That a select committee of five be appointed to report the congressional apportionment by districts for this State, under the United States census of 1870.

Mr. Palmer moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Lewis offered the following :

*Resolved*, That 500 copies of the annual report of the Auditor of the Canal Department be printed for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Tieman offered the following :

*Whereas*, In the year 1805, by petition (as recited in the act of incorporation), William Mooney and others represented to the Legislature of this State that they had since the year 1789 associated under the name of "The Society of Tammany or Columbian Order, for the purpose of affording relief to the indigent and destitute members of the said association, their widows and orphans, and others who may be found proper objects of their charity," and prayed to be incorporated.

*And whereas*, The Legislature, in accordance with the prayer of the said petition, did, in the said year 1805, enact that such persons as then were, or should "from time to time become members of the said society," should be and were thereby ordained, constituted and declared to be a body corporate, in fact and in name, by the name of "The Society of Tammany or Columbian Order, in the city of New York," and by that name they and their successors should have succession, and by the same name should be persons capable in law to purchase, take, receive, hold



and enjoy to them and their successors, real estate in fee simple, and any goods, chattels or personal estate for the purpose of enabling them the better to carry into effect the benevolent purpose of affording relief to the indigent and distressed.

*And whereas,* The question has arisen as to whether or not the said corporation, "The Society of Tammany or Columbian Order, in the city of New York," has not of recent years violated its charter by diverting its chartered powers and privileges, and its means from charitable to personal and political objects, and in other ways.

*Now, be it resolved,* That the sachems (as the directors are denominated) of the said "The Society of Tammany or Columbian Order, in the city of New York," be and they are hereby required to report and furnish in writing to this Senate, within ten days after the passage of this resolution, a copy of the constitution and by-laws of the said "The Society of Tammany or Columbian Order," together with the names, so far as they can be ascertained, of the present living members, and the respective times of their election, the names of its officers for the present and for each of the last four years, its annual income and sources thereof, and the amounts of money expended in each of the same four last years, and for what objects; and specifying the amounts paid in that period to "indigent and distressed persons."

*Resolved further,* That the Clerk of the Senate, forthwith, upon the passage of the foregoing preamble and resolution, serve a copy thereof upon each of the sachems or managers of the said society, together with a notification of the date of its passage by the Senate.

Mr. Madden moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

Mr. Lord moved to amend the resolution by including, also, "The Citizens' Association of New York."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson moved to take from the table the resolution as follows:

*Resolved,* That each of the following committees be authorized to employ a clerk, viz.: Finance, judiciary, affairs of cities, affairs of villages, literature, railroads, insurance, canals, claims, internal affairs of towns and counties, engrossed bills, roads and bridges, privileges and elections, and that the committees on banks and militia be authorized to employ a clerk jointly.

Mr. Winslow moved to strike out all after the word "Resolved," and insert the following:

That each of the following committees be authorized to employ a clerk: Finance, judiciary, affairs of cities, affairs of villages, banks, railroads, insurance, canals, claims, internal affairs of towns and counties, engrossed bills, roads and bridges, literature, privileges and elections and commerce and navigation.

Mr. Palmer moved to amend the resolution so as to provide one clerk for the committees on banks and insurance, and one for literature and commerce and navigation.

Mr. D. P. Wood moved to lay the resolution and amendments upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. McGowan offered the following :

*Resolved*, That 500 extra copies of the list of standing committees of the Senate be printed for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to release the interest of the people of the State of New York in and to certain lands in Oneida county to George A. Reynolds."

"An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870."

"An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh, passed April 13, 1859 ;' passed April 20, 1871."

After some time spent therein the President resumed the chair, and Mr. Chatfield, from said committee, reported in favor of the passage of said bills, which report was agreed to and said bills ordered engrossed for a third reading.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows :

"An act in relation to Columbia College in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Johnson, from said committee, reported progress on the same, and asked and obtained leave to sit again.

The President presented the following communication .

*To the Honorable the Lieutenant-Governor :*

We the undersigned, a committee from the New York State Military Association, respectfully present the following resolution passed by the association at its session of January 16th.

*"Resolved*, That a committee be appointed to extend, through the Lieutenant-Governor and Speaker of the House, an invitation to the members of the Senate and Assembly to be present at the delivery of the annual address, and to the privileges of the floor during our present session."

BRIG.-GEN. DARKIN,  
COL. DICKEY,  
COL. LOUGHRAN,  
*Committee.*

Mr. Tieman moved that the invitation be accepted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Chatfield, the Senate adjourned.

## THURSDAY, JANUARY 18, 1872.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Alderman.

The journal of yesterday was read and approved.

Messrs. J. Wood, Lord, Bowen, Madden, severally, presented remonstrances against placing the Erie railway under the control of a British monopoly; which was read and referred to the committee on railroads.

Mr. Weismann presented a memorial from the seventeenth, tenth, and eleventh wards of New York city in relation to the interests of the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. O'Brien presented a petition of the shareholders of the Erie Railway Company for the repeal of the classification bill, and suitable provisions for a new election; which was read and referred to the committee on the judiciary.

Mr. Foster presented resolutions of the board of supervisors of Oswego county relative to bridges over the Salmon river; which was read and referred to the committee on roads and bridges.

Mr. Tieman presented a petition of the residents of New York and the patrons of the Third Avenue railroad, that permission may be granted to run palace or drawing-room cars on said railroad; which was read and referred to the committee on railroads.

Mr. Winslow presented a petition of 700 citizens of Jefferson county in favor of declaring Indian river a public highway; which was read and referred to the committee on commerce and navigation.

Mr. Lewis presented a petition of George Bigelow and others to legalize the acts of Sidney G. Kingsley, a justice of the peace in Erie county; which was read and referred to the committee on the judiciary.

Also, a petition of George W. Bull and other citizens of Erie county for exemption from poll-tax of persons over 75 years of age; which was read and referred to the committee on the judiciary.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the acts and proceedings of Henry C. Duryea as special surrogate of the county of Orange," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed towards building a new court-house in said town," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Brown, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the financial report of the Auditor, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the Auditor's financial report be printed for the use of the Senate, and 500 additional copies for the use of the Auditor.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act conferring powers on the comptroller of the city of New York," reported they have made amendments thereto, and amended the title so as to read: "An act regulating the apportionment of appropriations, and the auditing and payment of certain claims in the city of New York," and recommend its passage; said bill was committed to the committee of the whole.

Mr. Lowery, from the committee on manufactures, to which was referred the Assembly bill entitled "An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company," reported in favor of the passage of the same; and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to release the interest of the people of the State of New York in and to certain lands in Oneida county, to George A. Reynolds."

"An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870."

"An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh, passed April 13, 1859,' passed April 20, 1871."

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to confirm the title of Horace T. Cook to the office of justice of the peace, and to legalize his official acts as such justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow, Elizabeth P. Mills," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to intro-

duce a bill entitled "An act to amend the act entitled 'An act in relation to the qualification of persons to be admitted to practice in the courts of this State as attorneys, solicitors and counselors,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to extend the provisions of the act, chapter 113, of the Laws of 1853, entitled 'An act declaring Indian river a public highway,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act requiring commissioners of highways to act as inspectors of plank roads and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to enable the electors of Frankfort, in the county of Herkimer, to vote by districts for town officers, and for all other officers elected at general or special elections, as provided by law," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick, into one municipal government, and to incorporate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings and Westchester,' passed April 12, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to provide for the re-hearing by the Comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the supervisors of said county," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to regulate the fees of county clerks, except in the city and county of New York, for searching records and certifying titles of, and incumbrance upon real estate, for showing papers on file, and for the indexing, custody and use of such records," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act for the relief of Simon De Graff and James Conway, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of said De Graff and Conway for building a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Oneida county, to George A. Reynolds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Palmer	Weismann
Allen	Chatfield	Lewis	Perry	D. P. Wood
Ames	Cock	Lowery	Robertson	J. Wood
Baker	Dickinson	McGowan	Tiemann	Woodin
Benedict	Foster	O'Brien	Wagner	24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Allen	Dickinson	Lord	Perry	Winslow
Ames	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	Woodin
Chatfield	Harrower	Madden	Wagner	24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Weismann
Allen	Chatfield	Harrower	O'Brien	Winslow
Ames	Cock	Lewis	Palmer	D. P. Wood
Baker	Dickinson	Lowery	Perry	Woodin
Benedict	Foster			22

## FOR THE NEGATIVE.

Lord	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Perry offered the following:

*Whereas,* It has been alleged that the Superintendent of the Insurance Department has, during his incumbency, subjected all, or nearly all, the life and the fire insurance companies doing business in this State to an investigation for the ostensible purpose of ascertaining their solvency,



and has imposed, contrary to law, heavy charges for such examinations, generally made by deputy, and, in the case of some companies, repeated at brief intervals; therefore it is

*Resolved*, That the said Superintendent, George W. Miller, is hereby required to make, with all convenient speed, a return to the Legislature, containing an exact statement of the number and name of all the companies he has examined in person or by deputy during his term, including also the dates of such examinations, their repetition, their purpose, whether merely to ascertain the solvency of the companies or their fitness to be admitted into the State, the name of the deputy employed, the time occupied in making such examinations, the amounts charged, and the sum actually received for such investigations by himself and his deputies, the manner in which such payment was effected, and how much was received directly from the companies, and how much from their counsel.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin called from the table the concurrent resolution from the Assembly, as follows:

*Whereas*, Grave charges and reflections have appeared in the public prints in and about the city of New York against and upon the office of the district attorney of the city of New York; said charges being that the said district attorney's office shields criminals and fails to bring parties indicted for crime to trial, after the lapse of many months after indictments; after there having been sufficient time therefor, wherein to bring said persons charged with crime to trial and punishment.

*And whereas*, The election of a city judge, with concurrent power with the recorder, was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished; therefore

*Resolved* (if the Senate concur), That the committee on the judiciary of the Senate and the like committee on the part of the House investigate such alleged abuses; and, in addition thereto, that said committee are particularly directed to investigate the said office as to the number of indictments now on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said joint committee shall deem best for the public good, and that the said committee have power to send for persons and papers, and report back, as soon as prepared so to do, before the final adjournment of this session. Such investigation to be conducted without expense to the State, except for the service of legal process.

Mr. Perry moved to lay the resolution upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Dickinson	Lord	O'Brien	Perry	Winslow
Johnson	McGowan			

7

#### FOR THE NEGATIVE.

Adams	Bowen	Harrower	Palmer	Weismann
Allen	Chatfield	Lewis	Robertson	D. P. Wood
Ames	Cock	Lowery	Tiemann	J. Wood
Baker	Foster	Madden	Wagner	Woodin
Benedict	Graham			

22

Mr. Robertson called for the consideration of the resolution heretofore offered by him, as follows :

*Whereas*, At the last session of the Legislature the following amendment to the Constitution was proposed in the Senate and Assembly, viz. :

"That the sixth article of the Constitution of this State be amended by adding thereto the following section :

"§ 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the Commissioners of Appeals; and the Legislature may extend the term of service of the Commissioners of Appeals not exceeding two years."

*And whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, entered on the journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

*And whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution; therefore,

*Resolved* (if the Assembly concur), That the Senate do agree to the proposed amendment.

Mr. Robertson moved to refer said resolution to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

Mr. Benedict presented the fifty-fourth annual report of the trustees of the New York State Library; which was laid on the table and ordered printed.

(*See Doc. No. 12.*)

Mr. Benedict offered the following:

*Resolved*, That 1,000 copies of the report of the trustees of the State Library be printed for the use of the trustees.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to authorize the transportation of passengers in the city of New York by means of street railways to be constructed through certain streets and avenues therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to incorporate the Albany Produce Commission Company."

"An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871."

"An act providing for appeals from the decisions of county superintendents of the poor."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. D. P. Wood, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga."

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of said named bill, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Robertson, the Senate adjourned.

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### FRIDAY, JANUARY 19, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Blayney.

The journal of yesterday was read and approved.

Mr. Robertson offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return of the bill entitled "An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill,' " for the purposes of correction.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Messrs. Benedict, Weismann and Tiemann severally presented petitions of residents of New York, and patrons of the Third Avenue Railroad Company, for permission to said company to run palace and drawing-room cars on said railroad; which were read and referred to the committee on railroads.

Messrs. Weismann, Harrower, Tiemann and Benedict severally presented petitions in favor of Beach's pneumatic underground railway; which were read and referred to the committee on railroads.

Messrs. Madden and Chatfield presented remonstrances against placing Erie railroad under a British monopoly; which were read and referred to the committee on railroads.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the title of Horace T. Cook to the office of justice of the peace, and to legalize his acts as such justice of the peace," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors, and counselors,' passed April 13, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relative to lands in the city of Brooklyn devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort for and during her natural life," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of general sessions of the peace in and for the city and county of New York to extend its terms, and to authorize its adjournments,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the rehearing by the Comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for the completion of the Erie and New York City railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the standing committees of the Senate, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 extra copies of the list of standing committees of the Senate be printed for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the trustees of the State Library, reported in favor of the adoption of the following resolution:

*Resolved*, That 1,000 copies of the report of the trustees of the State Library be printed for the use of the trustees.

Mr. Palmer moved to lay the resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act providing for appeals from the decisions of county superintendents of the poor."

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga."

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act in relation to the bonded debt of the town of East Chester, county of Westchester," passed April 19, 1871.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to repeal chapter 321, of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to repeal chapter 668, of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend and legalize all the privileges conferred and set forth in coach license number 450, dated mayor's office, of the city of New York, January 6, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers, and the act amendatory thereof,' passed March 30, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the bill entitled "An act relating to local improvements in the city of New York, and the assessments for such improvements," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act providing for appeals from the decisions of county superintendents of the poor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Wagner
Ames	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	Woodin
Bowen	Graham	Madden		28

#### FOR THE NEGATIVE.

Lewis

Mr. Ames moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Robertson	
Ames	Chatfield	Johnson	Madden	Tiemann	
Baker	Dickinson	Lewis	Palmer	Wagner	
Benedict	Foster	Lowery	Perry	Weismann	20

On motion of Mr. Ames, and by unanimous consent, said bill was amended by striking out the word "or" in line 1, section 5 printed bill.

Said bill, as amended, was again read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Wagner	
Ames	Cock	Lewis	Perry	Weismann	
Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Benedict	Foster	McGowan	Tiemann	Woodin	
Bowen	Graham	Madden			23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann	
Ames	Dickinson	Lowery	Tiemann	D. P. Wood	
Baker	Foster	McGowan	Wagner	Woodin	
Bowen	Graham	Palmer			18

FOR THE NEGATIVE.

Madden	Robertson				2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bowen presented the third annual report of the trustees of the New York Institution for the Blind; which was laid on the table and ordered printed.

(See Doc. No. 14.)

Mr. Bowen offered the following:

*Resolved*, That 2,000 copies of the third annual report of the trustees and officers of the New York State Institution for the Blind be printed for the use of the institution.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Graham offered the following:

*Resolved*, That each of the following committees be authorized to



employ a clerk, viz.: Finance, judiciary, affairs of cities, affairs of villages, banks, railroads, insurance, canals, claims, internal affairs, roads and bridges, privileges and elections, commerce and navigation, and that the following committees be authorized to employ clerks, jointly, viz., the committees on literature and public health, the committees on manufactures, agriculture and salt, and the committees on charitable and religious societies and State prisons.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Foster offered the following:

*Resolved*, That 2,000 copies of the report of the commissioners to revise the statutes of the State be printed for the use of the commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Graham offered the following:

*Resolved*, That when the Senate adjourn to-day, it be to meet on Monday evening, at 7½ o'clock.

Mr. D. P. Wood moved to amend said resolution by striking out the word "to-day" and inserting the word "to-morrow" in lieu thereof.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Allen	Bowen	Johnson	McGowan	Wagner	
Ames	Chatfield	Lewis	Madden	Weismann	
Baker	Graham	Lowery	Perry	D. P. Wood	15

FOR THE NEGATIVE.

Adams	Dickinson	Harrower	Palmer	Tiemann	
Benedict	Foster	Lord	Robertson	Woodin	
Cock	Hardenbergh				12

Mr. Hardenbergh moved that the Senate hold an executive session at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871."

"An act to change the name of the Flatbush Avenue Industrial School and Nursery."

"An act to relieve juvenile delinquents from certain disqualifications."

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported that they have made some amendments to the first named bill, and amended the title so as to read as follows: "An act relating to consents for bonding towns to aid in the construction of the Lake Ontario Shore railroad," and recommend its passage, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Graham, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Graham, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The President presented the annual report of the Canal Appraisers; which was laid on the table and ordered printed.

(See Doc. No. 13.)

Mr. Adams offered the following:

*Resolved*, That 500 copies of the annual report of the Canal Appraisers for 1871 be printed, with paper covers, for the use of the Canal Appraisers.

*Ordered*, That said resolution be referred to the committee on public printing.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital."

"An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange."

"An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof."

After some time spent therein, the President resumed the chair, and Mr. Tiemann, from said committee, reported in favor of the passage of said named bills, which report was agreed to and, said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Albany Produce Commission Company."

"An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town."

Assembly, "An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario."

After some time spent therein, the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the concurrent resolution requesting the Governor to return for amendment the bill entitled "An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of

taxes and assessments for the town of Cortlandt and village of Peekskill,'” with a message that they had concurred in the passage of the same without amendment.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence the bill entitled as follows:

“An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President presented the annual report of the State Treasurer; which was laid on the table and ordered printed.

(See Doc. No. 7.)

On motion of Mr. Madden, the Senate adjourned.

## MONDAY, JANUARY 22, 1872.—7:30 P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown.

The journal of Friday was read and approved.

A message from His Excellency, the Governor, was received and read in the words following:

EXECUTIVE CHAMBER,  
ALBANY, January 22, 1872. }

*To the Senate:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill, not printed, entitled “An act to amend an act passed April 26, 1869, entitled ‘An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill.’”

JOHN T. HOFFMAN.

Mr. Robertson moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion to reconsider the vote upon said bill, and it was decided in the affirmative, as follows:

### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Ames	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	J. Wood
Benedict	Lewis	Palmer	Wagner	Woodin
Cock				

21

On motion of Mr. Robertson, and by unanimous consent, said bill was amended by inserting in section 1, line 1, engrossed bill, after the word “taxes” the words “and assessments.”

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Ames	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	J. Wood
Benedict	Lewis	Palmer	Wagner	Woodin
Cock				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence a resolution in the words following, to wit:

IN ASSEMBLY, *January 22, 1872.*

On motion of Mr. Alvord:

*Resolved* (if the Senate concur), That the committee on rules of this House act with a like committee to be appointed by the Senate to make examination and recommend revision, if necessary, of the joint rules of the two Houses.

*Ordered*, That said resolution be laid on the table.

Also the following:

IN ASSEMBLY, *January 20, 1872.*

*Resolved* (if the Senate concur), That a committee of five be appointed on the part of this House to confer with a like committee of the Senate to apportion and divide the congressional districts of this State under the census of 1870.

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend and consolidate into one act the various acts relative to common schools in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend chapter 589 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act relating to the town officers and local government of Newtown, Queens county," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to repeal chapter 712, of the Laws of 1871, entitled 'An act in relation to the election of representatives in Congress, senators and members of Assembly,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town."

"An act to legalize and confirm the acts and proceedings of Henry C. Duryea as special surrogate of the county of Orange."

"An act relating to consents for bonding towns to aid in the construction of the Lake Ontario Shore railroad."

"An act to change the name of the Flatbush Avenue Industrial School and Nursery."

"An act to incorporate the Albany Produce Commission Company."

"An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital."

"An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof."

The bill entitled "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Ames	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	J. Wood
Cock	Lewis	Palmer	Wagner	Woodin
Dickinson	Lord			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Ames	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	O'Brien	Tiemann	J. Wood
Benedict	Harrower	Palmer	Wagner	Woodin
Cock	Lewis			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Albany Produce Commission Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Robertson	D. P. Wood
Ames	Foster	O'Brien	Wagner	J. Wood
Baker	Hardenbergh	Palmer	Weismann	Woodin
Cock	Harrower	Perry		

18

FOR THE NEGATIVE.

Benedict                      Graham                      Tiemann                      3

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nursery," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Ames	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Benedict	Harrower	O'Brien	Wagner	Woodin
Cock	Lewis	Palmer		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence.

The bill entitled "An act to legalize and confirm the acts and proceedings of Henry C. Duryea as special surrogate of the county of Orange," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Ames	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	J. Wood
Cock	Lewis	Palmer	Wagner	Woodin
Dickinson	Lord			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Ames	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	O'Brien	Tiemann	J. Wood
Benedict	Harrower	Palmer	Wagner	Woodin
Cock	Lewis			

22

FOR THE NEGATIVE.

Hardenbergh                      1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the official acts and pro-



ceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lowery	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	J. Wood
Cock	Harrower	O'Brien	Wagner	Woodin
				20

FOR THE NEGATIVE.

Lord

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Lord offered the following;

*Whereas*, This Senate has, by resolution of date January 18th, referring to certain newspaper charges, called upon the Superintendent of the Insurance Department for information in relation to the insurance companies examined during his incumbency, the charges made therefor, etc., and

*Whereas*, The same newspapers which have made charges in relation to such matters have, also, charged that said superintendent has, by corrupt means, procured the enactment of laws in this State enlarging his powers, particularly a law in relation to foreign insurance companies, and that said superintendent had under said law gone to Europe to investigate the foreign companies, and to compel them to pay him large sums of money therefor; and

*Whereas*, The same papers have charged that said superintendent has illegally appropriate to his own use, fees collected for the transfer of securities; and that he compelled the insurance companies to pay the expenses of the national insurance convention held in New York, in May and October last; and that he has secured the appointment of improper persons as receivers of insolvent companies; therefore,

*Resolved*, That said superintendent be required to report to the Legislature, with the statement heretofore required, by resolution of the Senate, the facts and proofs in his possession in relation to the said several charges.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Hardenbergh asked and obtained leave to introduce a bill entitled "An act to amend section 11 of chapter 379 of the Laws of 1848, entitled 'An act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Delhi Water Company."

"An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation."

"An act to provide for the rehearing by the Comptroller of the appeal

in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county."

After some time spent therein the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of said bills, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof, and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments.'"

"An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State, as attorneys, solicitors and counselors,' passed April 13, 1871."

"An act to confirm the title of Horace T. Cook to the office of a justice of the peace, and to legalize his official acts as such justice of the peace."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Dickinson, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered engrossed for a third reading.

The Clerk announced the following appointments :

#### REPORTERS OF THE SENATE.

Philip Snyder, Albany Evening Journal.

Vincent S. Lovell, Albany Argus.

John H. Farrell, Associated Press.

William H. Bogart, New York World.

J. B. Swain, New York Tribune.

Thomas Hastings, New York Commercial Advertiser.

W. J. C. Meighan, New York Herald.

George W. Bull, Buffalo Commercial Advertiser.

Henry L. Lamb, Troy Times.

Egbert H. Gregory, Albany Express.

Henry P. Phelps, Albany Evening Times.

M. Griffin, Albany Evening Post.

Samuel C. Taber, Elmira Daily Advertiser.

C. H. Thomson, Corning Journal.

F. B. Fisher, Chenango American.

Andrew Holley, New York Sun.

Nathan Comstock, Brooklyn Union.

O. C. Bentley, American Press Association.

A. N. Wakefield, Hudson Daily Register.

Charles C. Clark, Troy Daily Press.

George Breck, Rochester Union.

George Snow, Freeman's Journal.

W. H. Muldoon, Brooklyn Union.

James Mac Farlane, Albany Knickerbocker.

On motion of Mr. Cook, the Senate adjourned.

## TUESDAY, JANUARY 23, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Birkenthal.

The journal of yesterday was read and approved.

Hon. Henry C. Murphy, Senator elect from the third district, appeared in the Senate, and the constitutional oath of office was administered to him by the President.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendment made thereto by the Senate :

"An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

Messrs. J. Wood, Chatfield, Bowen, Robertson, and Harrower, severally, presented remonstrances against any legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Messrs. Tiemann, Weismann, and Dickinson, severally, presented petitions in favor of the Beach Pneumatic railroad; which were read and referred to the committee on railroads.

Mr. O'Brien presented a petition of Gustavus A. Hollinger for the repeal of the Erie bill; which was read and referred to the committee on the judiciary.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to incorporate the Delhi Water Company."

"An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation."

"An act to confirm the title of Horace T. Cook to the office of a justice of the peace, and to legalize his official acts as such justice of the peace."

"An act to provide for the rehearing, by the Comptroller, of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county."

Mr. Madden gave notice that he would, on some future day, ask leave to introduce a bill to amend an act entitled "An act incorporating the Goshen Savings Bank," passed April 11th, 1871.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to repeal section 9, of an act entitled 'An act to make further provision for the government of the county of New York,' passed April 26, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to define certain powers and duties of the chamberlain of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn to George C. Ley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to incorporate the Delhi Water Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Palmer	Weismann
Ames	Cock	McGowan	Perry	Winslow
Baker	Dickinson	Madden	Robertson	D. P. Wood
Benedict	Foster	O'Brien	Tiemann	Woodin
Bowen	Graham			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Hardenbergh	O'Brien	Wagner
Ames	Cock	Harrower	Palmer	Weismann
Baker	Dickinson	Lowery	Perry	D. P. Wood
Benedict	Foster	McGowan	Robertson	Woodin
Bowen	Graham	Murphy	Tiemann	

24

## FOR THE NEGATIVE.

Winslow

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the rehearing by the Comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Winslow
Ames	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Murphy	Tiemann	J. Wood
Bowen	Graham	O'Brien	Wagner	Woodin
Chatfield	Harrower	Palmer	Weismann	

24

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the title of Horace T. Cook to the office of justice of the peace, and to legalize his official acts as such justice of the peace," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weismann
Allen	Chatfield	Lewis	Perry	Winslow
Ames	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Graham	O'Brien	Wagner	Woodin

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to consents for bonding towns in aid of the construction of the Lake Ontario Shore railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Robertson	Winslow
Allen	Chatfield	McGowan	Tiemann	D. P. Wood
Ames	Dickinson	Madden	Wagner	J. Wood
Baker	Graham	Palmer	Weismann	Woodin
Benedict	Harrower	Perry		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to Columbia College, in the city of New York."

"An act to relieve juvenile delinquents from certain disqualifications."

"An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life."

After some time spent therein the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of said first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Benedict moved that the Senate resolve itself into a committee of the whole upon the Assembly bill entitled as follows :

"An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof; and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported in favor of the passage of said bill, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Benedict, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Weismann
Allen	Dickinson	Lewis	Perry	Winslow
Ames	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	Murphy	Tiemann	J. Wood
Benedict	Harrower	O'Brien.	Wagner	Woodin
Chatfield				

26

FOR THE NEGATIVE.

Hardenbergh    Madden

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act concerning the responsibility of certain officers of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to re-organize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Dickinson the Senate adjourned.

WEDNESDAY, JANUARY 24, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown.

The journal of yesterday was read and approved.

Messrs Chatfield, Allen, D. P. Wood and Harrower severally presented remonstrances against any interference with the management of Erie railroad; which were read and referred to the committee on railroads.

Messrs. Tiemann, Cock, Graham, Harrower, Winslow, Dickinson and Baker severally presented petitions of citizens of New York, in favor of the Beach Pneumatic railway; which was read and referred to the committee on railroads.

Mr. Murphy presented a petition of Packer Collegiate Institute, of Brooklyn, for additional appropriation for academies; which was read and referred to the committee on literature.

Mr. O'Brien presented a petition of shareholders Erie Railroad Company, for change of management of said company; which was read and referred to the committee on railroads.

Mr. Benedict presented the petition of Cornelia Townsend, for relief in relation to an assessment in the city of New York; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin offered the following:

*Resolved*, That the Senate hold an executive session at 12 o'clock M. this day.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to Columbia College, in the city of New York."

"An act to relieve juvenile delinquents from certain disqualifications."

"An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life."

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act in relation to fees of sheriffs, except in the counties of New York, Kings and Westchester, passed April 12, 1871," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the State of New York in lands in the city of Brooklyn, to Charles O. Jones," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to witnesses in criminal cases," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State,'" reported and asked to be discharged from the further consideration of the same, and that it be referred to the committee on canals; which report was agreed to.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,'" reported and asked to be discharged from the further consideration of the same, and that it be referred to the committee on canals; which report was agreed to.

Mr. J. Wood, from the committee on the judiciary, to which was referred the resolution that the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the court of appeals, reported in favor of the passage of the same, and said resolution was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to

which was referred the bill entitled "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to establish the tenth ward in the city of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the report of the Trustees of the Wadsworth Library at Geneseo for 1871; which was laid on the table and ordered printed.

*(See Doc. No. 17.)*

Also, a communication from the Superintendent of Census in reply to a resolution of the Senate; which was laid on the table and ordered printed.

*(See Doc. No. 18.)*

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to create a board of commissioners of city railways, and to provide means of rapid transit in the city of New York.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county.

Mr. Baker gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the village of Greenbush.

Mr. Dickinson gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act for the relief of Cornelia Townsend," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to incorporate the Safe Deposit and Trust Company of Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to extend the time for beginning the construction of the Cattaraugus Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to incorporate the Moose River Improvement Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to construct certain roads from settlements in Lewis county to Brown's tract in Herkimer county, passed June 8, 1853, and the acts to continue in force said act and amendatory thereof,' passed April 18, 1859 to April 14, 1865,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act relating to the Erie Railway Company, repealing chapter 916, of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the election of directors of said company and the transfer of its stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the Metropolitan Transit Company to construct certain railroads in the city of New York and across the Harlem river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 1871," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to provide for the restraint on the expenditure of public moneys in the county of Kings, and to repeal chapter 115, of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on retrenchment.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to provide for the transfer of the duties of the registrar of arrears of taxes of the city of Brooklyn, and to abolish said office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

The bill entitled "An act in relation to Columbia College, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	O'Brien	Weismann
Allen	Cock	Lowery	Perry	Winslow
Ames	Foster	McGowan	Robertson	D. P. Wood
Baker	Harrower	Madden	Tiemann	J. Wood
Benedict	Johnson	Murphy	Wagner	Woodin
Bowen				

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to relieve juvenile delinquents from certain disqualifications," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	O'Brien	Wagner
Ames	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Breevoort, for and during her natural life," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Wagner
Allen	Cock	Lewis	Palmer	Weismann
Ames	Dickinson	Lowery	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Graham	Madden	Tieman	Woodin
Bowen				

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Palmer moved that the bill entitled "An act relating to contracts for local improvements in the city of New York, and the assessments for such improvements," be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the hour of 12 o'clock having arrived, the President resumed the chair, and the Senate went into executive session; after which, the doors were opened, and the Senate again resolved itself into a committee of the whole and resumed the consideration of the bills then pending, as follows :

"An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river, at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871."

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof."

"An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors, and counselors,' passed April 13, 1871."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Allen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the last named bill.

Mr. Bowen moved to disagree with the report of the committee of the whole upon said entitled bill, and that the enacting clause be stricken out.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Ames	Bowen	Dickinson	Lewis	Woodin	5
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FOR THE NEGATIVE.

Adams	Cock	Lowery	Perry	Weismann	
Allen	Foster	Madden	Robertson	Winslow	
Baker	Harrower	Murphy	Tiemann	D. P. Wood	
Benedict	Johnson	Palmer	Wagner	J. Wood	
Chatfield					21

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered,* That said bill be engrossed for a third reading.

The Assembly sent for concurrence the bills entitled as follows :

"An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend and define the jail liberties of the city and county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same without amendment :

"An act in relation to filling vacancies in the board of public instruction of the city of Albany."

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Palmer moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company



for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871," and that the same be recommitted to the committee on roads and bridges.

Mr. Johnson moved to amend that it be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

### THURSDAY, JANUARY 25, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Birkenenthal.

The journal of yesterday was read and approved.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof."

"An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors, and counselors,' passed April 13, 1871."

Messrs. Allen, Robertson, Harrower, Madden, and J. Wood presented remonstrances against placing the Erie railway under British monopoly; which were read and referred to the committee on railroads.

Mr. Lewis presented a petition of Frederick Fenner for damages to horses and wagon by the fall of a bridge over the State ditch at Tonawanda; which was read and referred to the committee on claims.

Also, a petition of Philip Knoche for damages to horses and wagon by fall of the same bridge; which was read and referred to the committee on claims.

Mr. Murphy presented a memorial of owners of property in Brooklyn to have the pier head-line revived; which was read and referred to the committee on commerce and navigation.

Messrs. Bowen, Baker, Murphy, and Winslow, severally, presented petitions for an increased appropriation to the literature fund; which were read and referred to the committee on literature.

Mr. Tiemann presented a remonstrance against allowing palace cars on the Third Avenue railroad; which was read and referred to the committee on railroads.

Mr. O'Brien presented a petition of T. E. Tomlinson for additional railroads in New York city; which was read and referred to the committee on railroads.

Also, a petition of the same for free halls and lyceums in New York city; which was read and referred to the committee on the affairs of cities.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to authorize O. Richards & Son to construct and maintain a swing-bridge over the Glen's Falls feeder in the village of Sandy Hill," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on the revision of rules, reported the rules for 1872.

(See Doc. No. 20.)

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica, passed April 26, 1839,' passed April 11th, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act to incorporate the National Trust Company of the city of New York, passed April 19, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the petition of John T. Mills, for an act allowing him to run cars in New York city, where rail tracks have been built over the streets of his stage route, reported in favor of the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner be denied.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company, etc.,' passed May 17, 1869," reported adversely thereto, which report was agreed to.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," reported in favor of the passage of the same, with amendments; and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that said bill be made a special order to-morrow, at 12 o'clock M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly sent for concurrence the bills entitled as follows :

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Lockport Driving Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to regulate a ferry between the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to increase the duties of clerks of the boards of supervisors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relating to the appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," which was read the first time, and by unanimous consent was also read the second time.

Mr. Palmer moved that said bill be referred to the committee of the whole.

Mr. Benedict moved that said bill be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion of Mr. Benedict, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to refer to the committee of the whole, and it was decided in the affirmative.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the city of Cohoes.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness.

Mr Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act to authorize the business of banking."

By unanimous consent Mr. Baker asked and obtained leave to introduce a bill entitled "An act to authorize the Board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river at Cohoes for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter 543 of the Laws of 1870," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to protect, improve, and keep in repair the west part of the road formerly known as the Buffalo plank-road, in the county of Erie,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to incorporate the Utica Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to legalize certain obligations incurred by the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act extending the power of notaries public of the State of New York, and providing for the authentication of notarial certificates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to create a board of commissioners of city railways to provide means of rapid transit in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The President presented the report of the Trustees of Astor Library; which was laid on the table and ordered printed.

(See Doc. No. 19.)

Mr. Benedict offered the following:

*Resolved*, That 500 copies of the annual report of the trustees of the Astor Library, for the use of the trustees, be printed.

*Ordered*, That said resolution be referred to the committee on public printing.

The bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	Woodin
Chatfield				

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State, as attorneys, solicitors and counselors,' passed April 13, 1871," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, said bill was amended as follows :

After the words "fifty-nine" in section 1, insert the words "or of chapter 187 of the Laws of 1860, or of."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Robertson
Allen	Cock	Johnson	O'Brien	Tiemann
Ames	Dickinson	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Perry	D. P. Wood
Benedict	Graham			

22

FOR THE NEGATIVE.

Bowen	Hardenbergh	Lewis	Woodin
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Palmer moved to take from the table the resolution heretofore offered, as follows :

*Resolved*, That a select committee of five be appointed to report the congressional apportionment by districts, for this State, under the United States census of 1870.

Mr. Palmer moved to amend said resolution by striking out the word "five" and inserting the word "seven" in lieu thereof.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Benedict moved to take from the table the report of the printing committee, as follows:

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the trustees of the State Library, reported in favor of the adoption of the following:

*Resolved*, That one thousand copies of the report of the trustees of the State Library be printed for the use of the trustees.

Mr. Hardenbergh moved to strike out the word "trustees," and insert the word "Legislature" in lieu thereof.

Mr. Bowen moved to lay the motion upon the table.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin called for consideration of concurrent resolution from the Assembly, as follows:

*Resolved* (if the Senate concur), That the committee on rules of this House, act with a like committee to be appointed by the Senate, to make examination, and recommend revision, if necessary, of the joint rules of the two Houses.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Tiemann offered the following:

*Resolved*, That the committee on banks inquire into and report on the propriety of so amending the laws, in relation to savings banks, as to prevent any savings bank doing ordinary banking business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend section 1, of an act entitled 'An act declaring Indian river a public highway,' passed April 5, 1853," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2, of chapter 321, of the Laws of 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lowery offered the following:

*Resolved*, That the petition and papers on the files of the Senate, relating to certain real estate in the city of Utica, of which Owen J. Jones died seized to Owen Griffiths, his nephew, be taken therefrom and referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Weismann offered the following:

*Resolved*, That the committee on the judiciary be directed to inquire



into the expediency of enacting a law for the imprisonment for a term not exceeding two years nor less than six months of any person known as a thief, who shall at any time visit or be found in any bank, savings bank, or other monetary institution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

“An act to regulate the practice of pharmacy, and the sale of poisons in the city and county of New York.”

“An act to extend the time for the completion of the Erie and New York City Railroad.”

Assembly, “An act relating to appropriations and deficiencies of the city and county of New York, and the audit and payment of salaries and claims in said city and county.”

After some time spent therein, the President resumed the chair, and Mr. Chatfield, from said committee, reported progress on said first named bill, and asked leave to sit again.

Mr. Lewis moved that the said bill be recommitted to the committee on public health.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Chatfield, from the same committee, reported in favor of the passage of the last named bill, with amendments.

Mr. Benedict moved to amend the amendment made in committee of the whole, as follows :

Strike out in section 1, after the words “New York,” the following : “the commission of public works and the president of the department of public parks, shall constitute a board of apportionment and audit.”

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Benedict	Cock	Johnson	O'Brien	Tiemann	5
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#### FOR THE NEGATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Dickinson	Lewis	Perry	Winslow
Ames	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Wagner	Woodin
Bowen	Hardenbergh	Madden		

23

Mr. Benedict also renewed the amendment to strike out in lines 3 and 4 the following : “by the concurrent vote of all of said members.”

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Ames	Cock	Graham	Lowery	Tiemann
Benedict	Foster	Johnson	McGowan	Weismann

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## FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Palmer	Wagner
Allen	Dickinson	Madden	Perry	Winslow
Baker	Harrower	O'Brien	Robertson	Woodin
Bowen				

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Mr. Benedict renewed the amend to strike out the following amendment adopted in committee of the whole:

"Public notice shall be given of the time and place of meeting of said board of audit, and such meetings and the discussions and actions of said board shall be public. Every bill, account and claim presented to said board, except for salaries and wages, shall be read aloud by the clerk of said board at the time of presentation, and the same shall lie on the table for five days thereafter for objections. The clerk shall, on the day of such presentation, enter in a suitable book or journal for that purpose a minute of the general nature of said accounts, bills and claims, except for salaries and wages, specifying in particular the amounts thereof, and the time of the same when practicable; and such book or journal shall be open to the inspection of the public. All objections made within the time aforesaid to said bills, accounts and claims shall be duly considered by said board of audit; but said board of audit shall not allow any claim at a greater rate or amount than that fixed by law, or by a contract under which any services were rendered or materials were furnished."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Cock	O'Brien	Tiemann	Weismann	5
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## FOR THE NEGATIVE.

Adams	Chatfield	Harrower	Madden	Wagner	
Allen	Dickinson	Johnson	Palmer	Winslow	
Ames	Foster	Lewis	Perry	D. P. Wood	
Baker	Graham	Lowery	Robertson	Woodin	
Bowen	Hardenbergh	McGowan			23

Mr. Johnson moved to amend by inserting in section one the words "the president of the board of aldermen."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Harrower	Johnson	O'Brien		3
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## FOR THE NEGATIVE.

Adams	Bowen	Graham	Madden	Wagner	
Allen	Chatfield	Hardenbergh	Palmer	Weismann	
Ames	Cock	Lewis	Perry	Winslow	
Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Benedict	Foster	McGowan	Tiemann	Woodin	25

Mr. Madden moved to recommit said bill to the committee on the Affairs of cities, with instructions to amend the same so as to require the board of audit to submit a statement of claims presented to them to the common council.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative.

The President then put the question whether the Senate would agree to said report of the committee of the whole, and it was decided in the affirmative.

**Ordered,** That said Assembly bill be read a third time.

On motion of Mr. Hardenbergh, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Wagner
Allen	Cock	Johnson	Palmer	Weismann
Ames	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lowery	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	Woodin
Bowen	Hardenbergh	Madden		

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**Ordered,** That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Woodin offered the following :

**Resolved,** That the Comptroller furnish to the Senate a copy of all contracts now in force, in relation to public printing, together with a statement showing the aggregate expense thereof under said contract or contracts for 1871 ; also, a detailed account of all expense incurred and paid for printing during the last year, under any resolution of the Legislature, or either branch thereof, in addition to the contract, price, and to whom the same was paid, together with any other information which, in his judgment, may aid the Legislature in devising measures for retrenchment in the expense of public printing.

Mr. Johnson moved to include the years 1868, 1869 and 1870.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Hardenbergh, the Senate adjourned.

FRIDAY, JANUARY 26, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown.

The journal of yesterday was read and approved.

Messrs. Adams, Benedict, Baker, Tiemann and Weismann, presented petitions in favor of the Beach Pneumatic railway ; which were read and referred to the committee on railroads.

Messrs. Chatfield, Madden, J. Wood and Lewis, presented remonstrances against any legislative interference in the management of the Erie railway ; which was read and referred to the committee on railroads.

Mr. Perry presented resolutions of the common council of the city of Brooklyn, petitioning the Legislature to repeal section 4 of an act passed

in 1868, for the opening of Park avenue; which was read and referred to the committee on the affairs of cities.

Mr. Perry presented resolutions of the board of supervisors of the county of Kings, fixing the salary of the county judge of said county; which was read and referred to the committee on the judiciary.

Mr. Perry presented resolutions of the common council of the city of Brooklyn, requesting the members of the Legislature to prevent any special legislation on the district, of assessment, in the matter of extending Bedford avenue, and widening Perry avenue; which was read and referred to the committee on the affairs of cities.

Mr. Chatfield presented a petition of trustees of Ithaca academy, for additional public aid; which was read and referred to the committee on literature.

Mr. Perry presented a resolution of the common council of the city of Brooklyn, requesting the Senators and Assemblymen of said city to support legislation for the carrying out of the eight hour law; which was read and referred to the committee on the judiciary.

Mr. Lowery presented a petition for a charter for the Utica Park Association; which was read and referred to the committee on the affairs of cities.

Mr. Tiemann presented a petition of Chas. P. Daly, and others, residents of New York, and patrons of the Third avenue railroad, for permission to run cars on said railroad; which was read and referred to the committee of the whole.

Mr. Graham, from the committee on retrenchment, to which was referred the bill entitled "An act to provide further restraint on the expenditures of public moneys in the county of Kings, and to repeal chapter 115, of the Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the extension of the time for the collection of taxes in the several town of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, county of Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to increase the duties of clerks of boards of supervisors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19th, 1871," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the law of limited partnerships," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was

referred the Assembly bill entitled "An act to extend and define the jail liberties of the city and county of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Simon De Graff, James Conway, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of said De Graff and Conway for building a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," reported that they have made some amendments thereto and amended the title so as to read as follows: "An act for the relief of James Conway, Simon De Graff, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps, for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," and recommend its passage; said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the petition of Owen Griffith, praying for an act releasing the interest of the people of the State of New York in certain real estate in Utica, of which Owen J. Owens died seized, reported by bill entitled "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died seized, to Owen Griffith, his nephew," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to dissolve the New York and Richmond Granite Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the vote of the town of Mount Morris in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the relief of Cornelia Townsend,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the transfer of the duties of the registrar of arrears of taxes of the city of Brooklyn, and to abolish said office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the commissioners to revise the statutes, reported in favor of the adoption of the following :

*Resolved*, That 2,000 copies of the report of the commissioners to revise the statutes of the State be printed for the use of the commissioners.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the trustees and officers of the New York State Institution for the Blind, reported in favor of the adoption of the following :

*Resolved*, That 750 copies of the third annual report of the trustees and officers of the New York State Institution for the Blind be printed for the use of the institution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Canal Appraisers, reported in favor of the adoption of the following :

*Resolved*, That 250 copies of the annual report of the Canal Appraisers for 1871, be printed, with paper covers, for the use of the Canal Appraisers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Lockport Driving Park Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to provide better accommodations for passengers on the Third Avenue railroad, in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the railroad commission-



ers of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426, of the Laws of 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to repeal section 43, of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal section 27, of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weismann	
Allen	Chatfield	Lewis	Perry	D. P. Wood	
Ames	Foster	Lowery	Robertson	J. Wood	
Baker	Graham	McGowan	Tiemann		19

#### FOR THE NEGATIVE.

Hardenbergh	Johnson		2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly returned the bill entitled as follows, with a message that they had concurred in the passage of the same without amendment:

"An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844."

*Ordered,* That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend the charter of the American Bible Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to incorporate the Gilbert Improved Atmos-

pheric Railway and Rapid Transit Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York and adjacent counties, and for the construction and operation of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Hardenbergh asked and obtained leave to introduce a bill entitled "An act to amend title one of chapter one of the fourth part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor of the county of Kings, and prescribing his powers and duties,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating the present indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester," passed April 13, 1871.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act relative to fees for the service of process and other papers in courts of record, except in the counties of New York, Kings and Westchester, and to repeal chapter 415, of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to enable the legal voters of any town, county, city or ward, to determine, by ballot, whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away, of intoxicating liquors shall be prohibited, and to provide for the enforce-

ment of prohibition, when a majority declare in favor thereof; also, to regulate the sale for medicinal, mechanical or sacramental use, and to provide for the enforcement of this act," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on internal affairs.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to extend the time for the completion of the Erie and New York city railroad."

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish and maintain a police force in the city of Troy,' passed April 29, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on affairs of cities.

The bill entitled "An act to extend the time for the completion of the Erie and New York city railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Hardenbergh	Madden	Weismann
Allen	Chatfield	Harrower	Palmer	Winslow
Ames	Cock	Lewis	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	Woodin
Benedict	Graham	McGowan		23

FOR THE NEGATIVE.

Tiemann	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence the bill entitled as follows:

"An act to extend the provisions of chapter 113, of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" which was read the first time, and by unanimous consent was also read the second time.

Mr. Winslow moved to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Perry offered the following:

*Resolved*, That Alexander Wilder, correspondent of the New York Republican, be designated as a reporter of the Senate, in addition to those already appointed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict moved to reconsider the vote agreeing to the adverse report of the committee on railroads, upon the petition of John T. Mills, for right to run cars in New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict moved to recommit said petition to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ames offered the following:

*Resolved*, That when the Senate adjourn this day, it stand adjourned until Monday evening next at 7½ o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Ames	Cock	Johnson	Perry	Weismann	
Baker	Graham	McGowan	Tiemann	Winslow	
Chatfield	Harrower	Madden	Wagner		14

FOR THE NEGATIVE.

Adams	Bowen	Lewis	Robertson	J. Wood	
Allen	Foster	Lowery	D. P. Wood	Woodin	
Benedict	Hardenbergh	Palmer			13

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported in favor of the passage of said bill with amendments, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. D. P. Wood, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow	
Allen	Foster	Lowery	Robertson	D. P. Wood	
Baker	Graham	McGowan	Tiemann	J. Wood	
Benedict	Harrower	Palmer	Weismann	Woodin	
Bowen					21

FOR THE NEGATIVE.

Johnson

By unanimous consent the rule was suspended, and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Harrower offered the following:

*Whereas*, The Hon. L. D. Shoemaker, member of the House of Representatives of the United States Congress from the State of Pennsylvania, has introduced a bill, which is now pending in the House of Representatives, granting 160 acres of bounty land to certain persons engaged in the military and naval service of the United States from and after the 4th day of March, 1861; therefore

*Resolved* (if the Assembly concur), That our Senators and Representatives in Congress be, and they are hereby requested to support the said bill, and use their influence to secure its passage into a law, and that His

Exoellency the Governor be, and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

*Ordered*, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings and Westchester,' passed April 12, 1871."

"An act for the relief of Cornelia Townsend."

Assembly, "An act to extend the provision of chapter 113 of the Laws of 1853, entitled 'An act declaring Indian river a public highway.'"

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported in favor of the passage of the first two named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Harrower, from said committee, also reported in favor of the passage of the last-named bill, which report was agreed to.

On motion of Mr. Winslow, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Weismann
Allen	Cock	McGowan	Robertson	Winslow
Baker	Graham	Madden	Tiemann	J. Wood
Benedict	Johnson	Palmer	Wagner	Woodin
Bowen	Lewis			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence a resolution in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Senate asking the return of the papers on file concerning the claim of Gerrit Smith and Jonathan D. Ledyard, and the personal representatives of Hamilton Murray, deceased, and that, when received, they be referred to the committee on claims.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Graham, the Senate adjourned.

MONDAY, JANUARY 29, 1872.—7:30 P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of Friday was read and approved.

Mr. Tiemann presented a petition of the owners of property in Manhattanville for the opening of 127th, 128th, and 129th streets in New York; which was read and referred to the committee on the affairs of cities.

Mr. Lewis presented a petition of the citizens of Erie county against legislative interference with the management of the Erie railway; which was read and referred to the committee on railroads.

Mr. Weismann presented a petition of the residents of New York and patrons of the Third Avenue railroad that permission be granted to run palace or drawing-room cars on said railroad; which was read and committed to the committee of the whole.

Mr. Allen presented the resolutions of a meeting held in Dunkirk against interference with the present management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Lowery moved to reconsider the vote agreeing to the adverse report of the committee on railroads upon the bill entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' passed May 17, 1869."

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Lowery moved to recommit said bill to the committee on railroads.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the relief of Cornelia Townsend."

"An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings, and Westchester,' passed April 12, 1871."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

*Ordered*, That the Clerk return said bills to the Assembly.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open One Hundred and Fifty-sixth street, St. Anns avenue, to



the Third avenue, in the town of Morrisania, county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to repeal the first section of chapter 584 of the Laws of 1855, entitled 'An act for the prevention of frauds upon the canal revenues,' passed April 14, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to incorporate the Proprietors of the Albany Pier, and to provide for their powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the Dodge and Stevenson Manufacturing Company to issue preferred stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. McGowan moved that the bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns of this State," be referred to the first committee of the whole."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the extension of the time for the collection of taxes in the several towns of this State."

"An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866."

"An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of said named bills, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section two of chapter 321 of the Laws of 1870.'"

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

"An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State.'"

After some time spent therein, the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lowery, from said committee, also reported in favor of the passage of the second named bill with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lowery, from said committee, also reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington."

"An act to authorize O. Richards & Son to construct and maintain a swing bridge over the Glens Falls feeder, in the village of Sandy Hill."

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from said committee, also reported in favor of the passage of the second named bill with amendments, and the title amended by striking out the words "O. Richards & Son," and inserting in lieu thereof the words "Orson Richards and Eber Richards," which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from said committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Allen, the Senate adjourned.

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## TUESDAY, JANUARY 30, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Coit, of Troy.

The journal of yesterday was read and approved.

Mr. Perry presented the resolutions of the board of supervisors of Kings county in reference to the passage of an act for the appointment of attendants and messengers for the supreme court of that county; which were read and referred to the committee on the judiciary.

Messrs. Chatfield, Allen, and Johnson, severally, presented remonstrances against any legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Winslow presented a petition of the Watertown high school for an increase of the literature fund; which was read and referred to the committee on literature.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866."

"An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833."

"An act to authorize the extension of the time for the collection of taxes in the several towns of this State."

"An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington."

"An act to authorize Orson Richards and Eber Richards to construct and maintain a swing bridge over the Glens Falls feeder, in the village of Sandy Hill."

"An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section two of chapter 321 of the Laws of 1870.'"

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act legalizing the conveyance of lands by the Cattaraugus Agricultural Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bill entitled as follows:

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Dickinson gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled 'An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein, passed April 2, 1869.'

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad and Southern Railroad Company to connect their respective railroads by branches therefrom," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act supplementary to, and amendatory of, chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard, and for the public defense,' and entitled 'the military code,'" which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer certain powers upon said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Society of St. John's Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to authorize the Second Avenue Railroad Company, in the city of New York, to extend their tracks and operate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act to incorporate the Young Men's Christian Association of the city of Schenectady, passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Allen	Graham	McGowan	Robertson	Winslow
Baker	Harrower	Madden	Tiemann	D. P. Wood
Cock	Johnson	O'Brien	Wagner	Woodin
Devinson				

21

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said bill to the Assembly immediately, with a message requesting concurrence therein.

The bill entitled "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	O'Brien	Wagner
Allen	Foster	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	D. P. Wood
Cock	Harrower	Madden	Tiemann	Woodin
				30

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	Madden	Tiemann	D. P. Wood
Chatfield	Harrower	O'Brien	Wagner	
				19

## FOR THE NEGATIVE.

Lewis				
				1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section two of chapter 321 of the Laws of 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	Perry	Weismann
Allen	Harrower	McGowan	Robertson	Winslow
Baker	Johnson	Madden	Tiemann	D. P. Wood
Chatfield	Lewis	O'Brien	Wagner	Woodin
Foster				
				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Robertson	Winslow
Allen	Graham	McGowan	Tiemann	D. P. Wood
Baker	Harrower	Madden	Wagner	J. Wood
Chatfield	Johnson	O'Brien	Weismann	Woodin
Cock	Lewis	Perry		

28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize Orson Richards and Eber Richards to construct and maintain a swing bridge over the Glen Falls feeder, in the village of Sandy Hill," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Wagner
Allen	Foster	Lewis	Perry	Weismann
Baker	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Cornelia Townsend," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Allen	Foster	McGowan	Tiemann	D. P. Wood
Baker	Graham	O'Brien	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	

19

## FOR THE NEGATIVE.

Johnson	Lewis
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2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. D. P. Wood rose to a question of privilege and stated, at the request of the Clerk of this body, who is a constituent of mine, I ask for the appointment of a committee of this body to investigate the charges preferred against him some time since on an affidavit made by one Gracie. That affidavit was met by a counter affidavit by the Clerk of this body and other gentlemen of this city, and I understand was supposed by them to be amply sufficient for the purpose of refuting the charge made in Gracie's affidavit. These charges have been very generally published and commented upon by the press of the State in a manner which would seem to indicate that they are not entirely refuted in the estimation of the public at large. Therefore, at the request of the Clerk, I hope that some Senator will move a committee of investigation, and for reasons which it is unnecessary for me to state, but which must be obvious to every one, I desire that my name should not be included as a member of that committee.



Mr. Robertson moved that Senators Perry, Woodin, and Hardenbergh be appointed a committee to investigate and report upon the charges contained in an affidavit of one Edward Gracie, dated December 10, 1871, against James Terwilliger, Clerk of the Senate, with power to send for persons and papers.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings, and Westchester,' passed April 12, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Graham	Lowery	Perry	Winslow
Baker	Harrower	McGowan	Robertson	D. P. Wood
Chatfield	Johnson	Madden	Wagner	J. Wood
Cock	Lewis	O'Brien	Weismann	Woodin
Foster				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lewis moved that the bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act for the relief of Simon De Graff, James Conway, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed."

"An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead, and Oyster Bay, county of Queens."

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839 ; passed April 11, 1870."

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

A message from His Excellency the Governor, through his private secretary, was received and read as follows :

EXECUTIVE CHAMBER, }  
ALBANY, *January 30, 1872.* }

*To the Legislature :*

I have this day affixed my official approval to Assembly bill No. 19, entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

I have done this with reluctance. The bill appears to me to be faulty in its structure ; yet not so much so perhaps as to preclude arriving at an intelligent construction of its intent. It is, however, seriously erroneous in principle. It provides not only for the audit and payment of claims accrued in the year 1871, against the city and county of New York, to an amount not to exceed the sum of \$8,500,000, but also for appropriations and apportionment of moneys to carry on the local government for the first four months of the present year. The power to audit and pay last years claims up to a fixed amount, and to make appropriations for the expenditures of the current year up to the 1st of May next, without limit as to amount, is conferred upon the three persons who now are or may hereafter be heads of certain departments of the city government, to wit, the comptroller, the president of the department of parks and the commissioner of public works, all of whom are appointees of the mayor, none of them having been elected by the people. The bill ignores the chief executive officer of the city and the legislative branch of the local government. A bill which seeks to carry on the government of a great city and county without the concurrence of its mayor and common council and board of supervisors, or any of them, and which places this great duty in the hands of certain subordinate officers, appointed by the mayor, without associating with them in it either the mayor or the legislative branch of the local government, or some representative of the latter, can be justified only by an extraordinary condition of affairs. A limit is placed by the bill upon the amount which is to be applied to the payment of claims against the city, however well founded these may be ; but none is imposed upon the appropriation of money for current expenses. The omission of a limit upon the amount of public moneys which these three officers are authorized to appropriate cannot be justified ; and is overlooked by me, now, in the faith that you will, by prompt supplemental legislation, affix one. No condition of things can render this omission necessary or proper.

Specific provision is made in the bill for providing means for paying the accrued claims by the issue of revenue bonds ; but while the bill authorizes the appropriation of money for all the current expenses of the first four months of this year it does not provide any means for obtaining the money to meet such appropriations, either by tax or by borrowing. There has been, in nearly all the tax levies for the city and county of New York, heretofore passed by the Legislature, explicit authority conferred to issue revenue bonds in anticipation of the receipt of taxes for the year, and there are also to be found in the laws general provisions authorizing the comptroller of the city to borrow in anticipation of the revenues of the city and county such sums as may be necessary to meet the ordinary expenditures of the local government for each current year, not exceeding the amount of such revenues, yet it may be, and I think is, a matter of serious doubt whether such general provisions will apply to moneys appropriated and to be expended under the extraordinary and exceptional powers conferred on the board created by this act.

for a portion of the year only, no revenue for the year being as yet provided for or determined. An extraordinary condition of affairs does exist in the city requiring prompt remedy, and making necessary temporary and unusual measures of relief. The needs of the employes of the city government, and of many of its honest creditors are pressing; various important charities which are, in part, dependent upon the city government for the means of relieving the helpless under their care cannot be longer kept out of the money which has been promised them, without producing great and extensive suffering; and there is a necessity for some temporary means of carrying on the public business of the city until the Legislature shall determine what shall be done with reference to the permanent reorganization of its government.

If I were to return this bill for reconsideration by you, on account of the objectionable features I find in it, great delay might ensue in providing the means of paying the city's rightful creditors and of carrying on its government for the time.

The remedy for the existing condition of things ought to be prompt. While I think that, even under the necessity for immediate legislation on the subject, a bill more cautious and more in conformity with correct principles ought to have been prepared, I have signed this bill rather than risk further delay in furnishing relief to those having just claims on the city, and many of whom have suffered already from their non-payment; and in the confident belief that the extraordinary powers conferred by the bill will not be abused. I make this respectful communication to the Legislature to the end that I may not be held committed, by giving to this bill my signature, under the very extraordinary circumstances connected with it, to its objectionable features in other cases, if any such should arise hereafter; and I respectfully, but earnestly, recommend that the Legislature promptly pass a supplementary act limiting to such amount as to it may seem proper, the sum which may be appropriated by the board created by this act, for the expenses of the city government from the first of January instant to the first of May next, and also conferring specific power on the comptroller of the city to issue revenue bonds, payable out of such taxes as may be levied this year, for the purpose of providing means for the expenditures to be made in the period named.

JOHN T. HOFFMAN.

Mr. Woodin asked to be excused from serving on the committee appointed to investigate the charges preferred against the Clerk of the Senate.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Robertson moved that Mr. Adams be appointed on said committee in place of Mr. Woodin.

Mr. Adams asked to be excused.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Madden moved that Mr. Lowery be appointed a member of said committee in place of Mr. Woodin.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to authorize the extension of the time for the collection of taxes in the several towns of this State."

*Ordered*, That the Clerk deliver said bill to the Governor.  
On motion of Mr. Chatfield, the Senate adjourned.

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WEDNESDAY, JANUARY 31, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown, of Cohoes.

The journal of yesterday was read and approved.

Messrs. Winslow, Johnson, Harrower, Tiemann, Weismann, Adams, and Cock, severally, presented petitions in favor of the Beach Pneumatic railway; which were read and referred to the committee on railroads.

Messrs. Harrower, Woodin, Madden, and Bowen, severally, presented remonstrances against any legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Benedict presented a petition for the protection of factory children; which was read and referred to the committee on the judiciary.

Mr. Woodin presented a petition of the Society of Friends on the subject of intemperance; which was read and referred to the committee on internal affairs.

Mr. Winslow presented a petition of the trustees of the Hungerford Collegiate Institute for an increase of the literature fund; which was read and referred to the committee on literature.

Mr. Ames presented a petition of the citizens of the village of Plattsburgh for the amendment of an act in relation to the establishment of a normal school in Plattsburgh; which was read and referred to the committee on literature.

Also, a petition for the repeal of the Erie classification act; which was read and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead, and Oyster Bay, county of Queens."

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to amend an act to incorporate the Utica and Mohawk Street Railroad Company," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend and consolidate the charter of the village of Middletown," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to authorize the transportation of passengers in the city of New York, by means of street railways to be constructed through certain streets and avenues therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York; and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to incorporate the New York City Transit Company, and to provide for the construction of a sub-surface railway in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to amend the charter of the city of Cohoes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to authorize the business of banking,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvel creek,' passed April 15, 1871, so far as relates to the town of Westchester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act for the security of mechanics and others erecting buildings and furnishing materials therefor in any of the counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act in relation to private asylums for the insane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



By unanimous consent, Mr. O'Brien offered, for the consideration of the Senate, concurrent resolutions proposing an amendment of the Constitution of the State of New York relative to State prisons, as follows:

*Resolved* (if the Assembly concur), That section four of article five of the Constitution be amended so that it shall read as follows:

SEC. 4. There shall be a board of managers of prisons to consist of five persons to be appointed by the Governor, by and with the consent and advice of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring in the offices afterwards shall be filled in like manner. Such board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to the county jails, the local or district penitentiaries, and other penal or reformatory institutions within the State, as the Legislature may, by law, impose upon them. Such board shall from time to time elect a secretary, who shall be removable at their pleasure, who shall perform such duties as the Legislature or the board may prescribe, and shall receive such salary as the Legislature shall determine; the members of the board shall receive no compensation, other than reasonable traveling and other expenses while engaged in the performance of their official duties; and the Legislature, at its first session after the adoption of this Constitution, shall limit the amount of such expenses, which limit shall not be changed except at intervals of five years. Such board shall appoint the warden or chief officer, the clerk, physician, and chaplain of each State prison, and shall have power to remove either of such officers for cause only, after opportunity to be heard in his own defense, upon written charges, has been given to him. All other officers of each prison shall be appointed by the warden or chief officer thereof, and shall be removable at his pleasure. The Governor may remove either of the managers of prisons for malfeasance or misfeasance in office, after having furnished him with a copy of the charges against him, and giving him an opportunity of being heard in his defense.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be laid on the table.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to regulate elections in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend section five of title one of chapter one of the fourth part of the Revised Statutes in relation to murder, and to authorize the court in certain cases to reduce the offense to murder in the second degree," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to consoli-



date school districts Nos. 6 and 15 in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor,' passed April 7, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The bill entitled "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead, and Oyster Bay, county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Murphy	Weismann
Allen	Cock	Lewis	O'Brien	Winslow
Ames	Dickinson	Lowery	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	Woodin
Bowen	Harrower	Madden	Wagner	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. McGowan offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor asking him to return the Senate bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed towards building a new court-house for said county in said town," for amendment.

On motion of Mr. McGowan, and by unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the Clerk was ordered to deliver said resolution to the Assembly immediately, with a message requesting their concurrence therein.

Mr. Tiemann offered the following:

*Resolved*, That the comptroller of the city and county of New York be, and he is hereby requested to furnish a statement of all donations made by the city and county of New York in real estate and money; and for assessments and taxes to benevolent, charitable, and all other institutions from January 1, 1860, to the present time.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also, the following:

*Resolved*, That the comptroller of the city and county of New York be, and he is hereby requested to furnish a statement showing the valuation of all the real estate upon which taxes are levied and collected in the city and county of New York. Also all the real estate exempted from taxation in said city and county, where the same is located, and for what purposes it is used.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also, the following:

*Resolved*, That the comptroller of the city and county of New York

be, and he is hereby requested to report, as early as possible, all sums paid on account of the new county court-house for building, furniture, and all other expenses, to whom paid and for what purpose, and the amount necessary to finish the same.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also, the following:

*Resolved*, That the comptroller of the city and county of New York be, and he is hereby requested to report all sums paid on account of the court-house in the ninth judicial district in said city, to whom, and for what purposes the same was paid.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Malden Savings Bank.

Mr. Harrower called for the consideration of the concurrent resolution, as follows:

*Whereas*, The Hon. L. D. Shoemaker, member of the House of Representatives of the United States Congress, has introduced a bill, which is now pending in the House of Representatives, granting 160 acres of bounty land to certain persons engaged in the military and naval service of the United States from and after the 4th day of March, 1861; therefore

*Resolved* (if the Assembly concur), That our Senators and Representatives in Congress be, and they are hereby requested to support the said bill, and use their influence to secure its passage into a law, and that His Excellency the Governor be, and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. Robertson moved to refer said resolution to the committee on the militia.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen moved to take from the table the report of the committee on public printing, as follows:

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Trustees of the State Library, reported in favor of the adoption of the following:

*Resolved*, That one thousand copies of the report of the Trustees of the State Library be printed for the use of the trustees.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President stated the question to be upon the amendment pending to strike out the word "trustees" and insert in lieu thereof the word "Legislature,"

Mr. Woodin moved to lay the report upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones."

"An act to establish the tenth ward in the city of Utica."

"An act in relation to witnesses in criminal cases."

After some time spent therein the President resumed the chair, and Mr. Weismann, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Weismann, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to increase the duties of clerks of boards of supervisors."

"An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

Assembly, "An act to extend and define the jail liberties of the city and county of Albany."

After some time spent therein the President resumed the chair, and Mr. Chatfield, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to and said bills ordered to a third reading.

Mr. Chatfield, from the same committee, reported in favor of the passage of the second named bill with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents."

"An act to dissolve the New York and Richmond Granite Company."

"An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871."

After some time spent therein, the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Foster, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Assembly returned the concurrent resolution requesting the Governor to return for amendment the bill to authorize the town of Herkimer to issue bonds, etc, with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly sent for concurrence the resolution, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting the return of the bill entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investiga-

ting committees, and providing for the payment of the expenses thereof," for amendment.

On motion of Mr. Robinson, and by unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended and said resolution ordered returned to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act to incorporate the Lockport Driving Park Association."

"An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed to Owen Griffiths, his nephew."

"An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company."

After some time spent therein, the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first named bill with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the dividends of life insurance companies."

Assembly, "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866."

"An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society."

After some time spent therein the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered to a third reading.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, {  
ALBANY, *January 31, 1872.* }

*To the Senate:*

In compliance with a concurrent resolution of the Senate and Assembly, I herewith return, for amendment, Senate bill No. 28, entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed towards building a new court-house for said county.

JOHN T. HOFFMAN.

Mr. McGowan moved to reconsider the vote upon the final passage of said bill.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Winslow
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemahn	J. Wood
Benedict	Harrower	Madden	Wagner	Woodin
Bowen	Johnson	O'Brien	Weismann	24

Mr. McGowan moved to recommit said bill to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

On motion of Mr. Robertson, the Senate adjourned.

THURSDAY, FEBRUARY 1, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Coit, of Troy.

The journal of yesterday was read and approved.

Mr. Murphy presented a petition of A. T. Lawrence and his associates for an act to build an elevated railroad in Third avenue and other streets in the city of New York; which was read and referred to the committee on railroads.

Mr. Benedict presented a petition of the Regents of the University in relation to the State Library; which was read and referred to the committee on joint library.

Mr. Allen presented a petition from the citizens of Cattaraugus county for an increase of the literature fund; which was read and referred to the committee on literature.

Mr. D. P. Wood presented a petition of the citizens of Homer for the same; which was read and referred to the committee on literature.

The President presented the twenty-fourth annual report of the Inspectors of State prisons; which was laid on the table and ordered printed.

(See Doc. No. 22.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones."

"An act in relation to the dividends of life insurance companies."

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870."

"An act in relation to witnesses in criminal cases."

"An act to establish the tenth ward in the city of Utica."

"An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents."

"An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed to Owen Griffiths, his nephew."

"An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company."

"An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society."

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Dodge Stevenson Manufacturing Company to issue preferred stock," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title one of chapter one of the fourth part of the Revised Statutes," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town," reported in favor of the passage of the same with the following amendments:

Strike out section 1 of engrossed bill, and insert the following:

SEC. 1. Whenever the board of supervisors of the county of Herkimer shall finally determine to build a new court-house for said county, in the town of Herkimer, said town may issue its bonds for ten thousand dollars for the purpose of aiding in building and completing the same, and in case it shall cost to build and complete said court-house more than forty thousand dollars, then the said town of Herkimer shall further issue its bonds for one-quarter of the sum which the said court-house, when completed, shall cost over the said forty thousand dollars, in addition to the said sum of ten thousand dollars.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams  
Allen

Chatfield  
Cock

Lowery  
McGowan

Perry  
Robertson

Weismann  
D. P. Wood



Ames  
Baker  
Bowen

Dickinson  
Foster  
Harrower

Madden  
O'Brien

Tiemann  
Wagner

J. Wood  
Woodin

22

*Ordered*, That the Clerk deliver said bill to the Assembly, immediately, with a message requesting their concurrence therein.

A message from His Excellency the Governor, through his private secretary, was received and read in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *January 31, 1872.* }

*To the Legislature:*

In conformity with the requirement of the Constitution, I transmit herewith a report of the pardons, commutations, and reprieves granted by me during the calendar year 1871, stating the name of the convict, the crime of which he was convicted, the sentence and its date of the pardon, commutation, or reprieve.

I have also appended to each case, for your information, a brief statement of the reasons which led to the exercise of clemency. Good conduct in prison has been made, in every instance, a prerequisite conviction. More than applications for pardon or commutation have been examined during the past year. Fifty-two pardons from State prison, thirty-two pardons from county jail or penitentiary, twenty-nine commutations, and five reprieves have been granted.

JOHN T. HOFFMAN.

*Ordered*, That said message be laid on the table and printed.

(*See Assem. Doc. No. 37.*)

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relative to fees for the service of process and other papers in courts of record, except in the counties of New York, Kings, and Westchester, and to repeal chapter 415 of the Laws of 1871," reported adversely thereto, which report was agreed to.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood moved that 300 extra copies of said report be printed for the use of the Senate.

The President then put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section five of title one, chapter one of the fourth part of the Revised Statutes in relation to murder, and to authorize the court in certain cases to reduce the offense to murder in the second degree," reported adversely thereto.

Mr. D. P. Wood moved to disagree with the report of the committee, and refer said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was referred the resolutions of the board of supervisors of Kings county praying for the passage of an act for the appointment of attendants and mes-

sengers for the supreme court of that county, reported by bill entitled as follows: "An act authorizing the appointment of attendants and messengers of the supreme court in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open One Hundred and Fifty-sixth street from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the town of Westchester, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was referred the bill entitled "An act supplementary to, and amendatory of, the Laws of 1870 entitled 'An act to provide for the enrollment of the militia, and for the organization of the National Guard of the State of New York,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for the formation of free public libraries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act relating to the settling, signing, and sealing of bills of exceptions in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act concerning the appointment of notaries public, and to legalize the acts of such as have removed from one county to another," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act supplementary to, and amendatory of, 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, to borrow money for the purpose of introducing

water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the city of Oswego to convey by deed certain land in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, N. Y.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the Chemung Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act for the relief of Patrick Mullins by providing for the release of his real estate from the lien of a certain bond executed by him," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the board of education of district No. 9, in the town of Perrinton, to construct a school building, and provide means for payment therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to incorporate Smyrna lodge number one hundred and sixteen, Independent Order of Odd Fellows of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the certificate of incorporation or charter of the Midnight Mission," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received and read, in the words following :

IN ASSEMBLY, *January 31, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the the expenses thereof."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Alvord, and by unanimous consent, the same was amended as follows :

In line 5, section 5, strike out the words "and the chairman of such committee or sub-committee." In line 7, section 5, strike out the words "or a chairman thereof." In line 8, section 5, after the words "persons and papers," insert the words "and the chairman of any committee or sub-committee shall have all the power and authority that is now conferred by law upon the chairman of any committee which by the terms of its appointment is authorized to send for persons and papers."

Section 3, line 6, before the words "and to the Speaker's clerk," insert the words "to the clerk of the President of the Senate."

As amended said bill was passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Winslow
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin
Bowen	Harrower	Palmer		

28

Mr. D. P. Wood moved to recommit said bill to the committee on finance.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nuserly," with a message informing that they had concurred in the passage of the same with the following amendments :

Section 1, line 5, engrossed bill, strike out the words "affect the " and insert the words "defeat existing."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	Weismann
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Foster	Murphy	Tiemann	J. Wood
Benedict	Harrower	O'Brien	Wagner	Woodin
Chatfield	Lowery			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly, for amendment, of the Assembly bill entitled "An act to extend the provisions of chapter 113, of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway.'"

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the issue of letters of administration on the estate of intestates on special bail," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to incorporate the Walden Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of the overseer of the poor in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer for their business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act to provide for the incorporation of religious societies, passed April 5, 1813," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,' " which was read the first



time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to extend the powers of notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of a reporter of the decisions of the supreme court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830; and the act amendatory thereof, passed May 2, 1834," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The bill entitled "An act to establish the tenth ward in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Ames	Foster	McGowan	Tiemann	J. Wood
Baker	Hardenbergh	Palmer	Wagner	Woodin
Chatfield	Harrower			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	Winslow
Ames	Foster	McGowan	Robertson	D. P. Wood
Baker	Hardenbergh	Murphy	Tiemann	J. Wood
Benedict	Johnson	O'Brien	Wagner	Woodin
Chatfield				

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



The bill entitled "An act in relation to witnesses in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Wagner
Allen	Dickinson	McGowan	Perry	Weismann
Ames	Foster	Madden	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	Woodin
Bowen				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to increase the duties of clerks of boards of supervisors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Weismann
Allen	Cock	Lowery	Perry	Winslow
Ames	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	Woodin
Bowen	Harrower	O'Brien	Wagner	24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Palmer	Weismann
Allen	Cock	McGowan	Robertson	Winslow
Ames	Dickinson	Madden	Tiemann	D. P. Wood
Baker	Foster	Murphy	Wagner	Woodin
Bowen	Hardenbergh	O'Brien		23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to extend and define the jail liberties of the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Tiemann
Allen	Cock	Johnson	Palmer	Wagner
Ames	Foster	McGowan	Perry	Weismann
Baker	Hardenbergh	Murphy	Robertson	D. P. Wood
Bowen				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Palmer	Weismann
Allen	Dickinson	McGowan	Perry	Winslow
Ames	Foster	Madden	Robertson	D. P. Wood
Baker	Hardenbergh	Murphy	Tiemann	Woodin
Chatfield	Harrower	O'Brien	Wagner	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Lockport Driving Park Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Madden	Weismann
Allen	Foster	Lewis	Robertson	Winslow
Baker	Hardenbergh	Lowery	Tiemann	D. P. Wood
Bowen	Harrower	McGowan	Wagner	Woodin
Cock				

21

FOR THE NEGATIVE.

Ames	Chatfield			
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed to Owen Griffiths, his nephew," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Murphy	Wagner
Allen	Cock	Lowery	Perry	Winslow
Ames	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. D. P. Wood, from the committee on finance, to which was referred the amendments to the Assembly bill entitled "An act prescribing the

officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," reported the same back, and recommend that the Senate concur in the amendments of the Assembly.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Benedict	Foster	Madden	Weismann	
Allen	Chatfield	Harrower	Perry	Winslow	
Ames	Cock	Lowery	Robertson	D. P. Wood	
Baker	Dickinson	McGowan	Wagner	Woodin	20

FOR THE NEGATIVE.

Johnson					1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The bill entitled "An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	O'Brien	Weismann	
Allen	Chatfield	Lowery	Robertson	Winslow	
Ames	Cock	McGowan	Tiemann	D. P. Wood	
Baker	Foster	Madden	Wagner	Woodin	
Benedict	Harrower				22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the dividends of life insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Benedict	Harrower	O'Brien	Weismann	
Allen	Chatfield	Johnson	Perry	Winslow	
Ames	Cock	Lowery	Robertson	D. P. Wood	
Baker	Foster	McGowan	Wagner	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Allen	Cock	Johnson	Perry	Weismann
Ames	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	Wagner
Allen	Cock	Lewis	Perry	Weismann
Ames	Dickinson	McGowan	Robertson	Winslow
Baker	Foster	Madden	Tiemann	D. P. Wood
Bowen	Harrower			22

FOR THE NEGATIVE.

Benedict	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Moose Improvement Company," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen offered the following:

*Resolved,* That 2,000 copies of the annual report of the State Treasurer for the year 1871 be printed for the use of the Treasurer—500 copies to be bound in cloth and 1,500 in paper covers.

*Ordered,* That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

"An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road."

"An act to provide better accommodations for passengers on the Third Avenue railroad in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Perry, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Perry, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Perry, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Madden, the Senate adjourned.

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### FRIDAY, FEBRUARY 2, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown, of Cohoes.

The journal of yesterday was read and approved.

Messrs. J. Wood, Winslow and Lewis severally presented petitions for an increase of the Literature Fund; which were read and referred to the committee on literature.

Mr. Lowery presented a petition of the Firemens' Benevolent Association of the city of Utica, against the passage of any law exempting foreign insurance companies from the payment of taxes now paid by them; which was read and referred to the committee on insurance.

Mr. Tiemann presented a petition of residents of New York, that permission be granted to run palace or drawing room cars on Third Avenue railroad; which was read and committed to the committee of the whole.

Messrs. J. Wood, Allen and Harrower presented remonstrances, against any legislative interference in the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Perry presented a remonstrance of property owners of the city of New York, against the opening and extending of 127th, 128th and 129th streets; which was read and referred to the committee on the affairs of cities.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the fees of county clerks, except in the city and county of New York, for searching records and certifying titles of and encumbrances upon real estate for showing papers on file, and for the indexing, custody, and use of such records," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road."

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the appointment of a reporter of the decisions of the supreme court," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize corporations to hold and convey real estate for business purposes in other States with the consent thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Patrick Mullins by providing for the release of his real estate from the lien of a certain bond executed by him," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relating to the settling, signing and sealing of bills of exceptions in criminal cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad, and the Sodus Point and Southern Railroad Company, to connect their respective railroads by branches therefrom," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act in relation to the Chemung Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Montz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1882," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to incorporate the village of



Port Richmond,' passed April 24, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars in value," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to confirm the conveyance of real and personal estate by the Beth El congregation of Jews, of the city of New York, to the congregation of Shaaray Tefila, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment.

"An act providing for appeals from the decision of county superintendents of the poor."

"An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange."

"An act to repeal section 2 of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871."

"An act to confirm the title of Horace T. Cook to the office of a justice of the peace and to legalize his official acts as such justice of the peace."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," with a message that they had passed the same with the following amendment: add to the title thereof the words "and authorizing a change of the name thereof."

The President put the question whether the Senate would agree to concur in said amendment, and it was determined in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Robertson	Winslow
Ames	Foster	Murphy	Tiemann	D. P. Wood
Bowen	Harrower	Palmer	Wagner	J. Wood
Chatfield	Johnson	Perry	Weismann	Woodin
Cock	Lowery			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to petit jurors for the county courts and courts of sessions in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act relating to the health officer of the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to harbor masters," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to provide a site for an armory and drill-room for the Seventh regiment of the National Guard of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

The Assembly bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Ames	Foster	Madden	Tieman	D. P. Wood
Benedict	Harrower	Palmer	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend an act entitled 'An act to amend

an act to incorporate the Savings Bank of the city of Utica, passed April 26, 1839; passed April 11, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Cock	Lowery	Tiemann	Winslow
Ames	Dickinson	Madden	Wagner	D. P. Wood
Benedict	Foster	Perry	Weismann	Woodin
Chatfield	Harrower	Robertson		

18

**FOR THE NEGATIVE.**

Lewis 1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lowery	Robertson	Winslow
Ames	Foster	Madden	Wagner	D. P. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin
Cock	Lewis	Perry		

18

**FOR THE NEGATIVE.**

Tieman 1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ames offered the following:

*Resolved,* That the special committee of investigation upon the charges made by the New York Tribune against Hon. James Wood, or any of them, be and they are hereby authorized to conduct such investigation, or any part thereof, in the city of New York.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also, the following:

*Resolved,* That 2,000 copies of the annual report of the Inspectors of State Prisons for 1871 be printed for the use of the Legislature.

*Ordered,* That said resolution be referred to the committee on public printing.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to legalize certain obligations of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, and passed March 26, 1866."

Mr. Benedict, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act relating to contracts for local improvements in the city of New York and the assessments for such improvements," reported in favor of the passage of the same with amendments, and have amended the title so as to read "An act relating to local improvements in the city of New York," and recommend its passage; said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating its present indebtedness," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same."

"An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State.'"

"An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867."

After some time spent therein, the President resumed the chair, and Mr. Tiemann, from said committee, reported in favor of the passage of said first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Tiemann, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Madden moved that the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866." be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood moved that the bill entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870."

"An act to incorporate the Moose River Improvement Company."

"An act to authorize Dodge and Stevenson Manufacturing Company to issue preferred stock."

After some time spent therein, the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of the first named bill with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Madden, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Madden, from the same committee, reported in favor of the passage of the last named bill.

On motion of Mr. Woodin, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Winslow
Ames	Cock	Lowery	Tiemann	D. P. Wood
Baker	Dickinson	Murphy	Wagner	J. Wood
Benedict	Foster	Palmer	Weismann	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Murphy offered the following:

*Resolved*, That when the Senate adjourn to-day it stand adjourned until Monday evening at seven and a half o'clock.

Mr. D. P. Wood moved to amend by striking out the words "to-day" and inserting in lieu thereof the words "to-morrow."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Ames	Foster	Lewis	Murphy	Wagner
Baker	Harrower	Lowery	Perry	Weismann
Chatfield	Johnson	Madden	Tiemann	Winslow
Cock				

16

FOR THE NEGATIVE.

Adams	Bowen	McGowan	Robertson	J. Wood
Benedict	Dickinson	Palmer	D. P. Wood	Woodin

10

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

"An act authorizing the appointment of attendants and messengers of the supreme court, in the county of Kings."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported in favor of the passage of said bills, the last named with an amendment; which report was agreed to, and said bills ordered to a third reading.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the board of education of district No. 9, in the town of Perinton, to authorize a school building and provide means for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act to authorize the board of education of district number nine, in the town of Perinton, to construct a school building, and provide means for payment therefor."

"An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported progress on said first named bill, and asked leave to sit again.

Mr. Benedict moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McGowan, from the same committee, reported in favor of the passage of the second named bill.

On motion of Mr. Bowen, and by unanimous consent, the rule was suspended, and said bill read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Winslow
Ames	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	Murphy	Weismann	Woodin
Bowen	Harrower	Palmer		

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. McGowan, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to authorize the Dodge and Stevenson Manufacturing Company to issue preferred stock."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act for the relief of Patrick Mullins by providing for the release of his real estate from the lien of a certain bond executed by him."

"An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, N. Y."

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of said named bills, which report was agreed to and said bills ordered to a third reading.

On motion of Mr. Cock, the Senate adjourned.

MONDAY, FEBRUARY 5, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The journal of Friday was read and approved.

Mr. McGowan presented three remonstrances of citizens of Herkimer and Lewis against an act to construct certain roads from settlements in Lewis county to Brown's tract in Herkimer county; which were read and referred to the committee on roads and bridges.

Mr. J. Wood presented several remonstrances against any legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Robertson presented a petition of Col. P. Hawkins and ninety-eight other citizens of the State, praying that the word "white" be stricken from the Military Code of the State; which was read and committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows: .

"An act authorizing the appointment of attendants and messengers of the supreme court, in the county of Kings."

"An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870."

Mr. Harrower, from the committee on militia, to which was referred the bill entitled "An act to provide a site for an armory and drill-room for the Seventh regiment of the National Guard of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 737, of the Laws of 1871, entitled 'An act to provide for the election of an auditor of the county of Kings, and prescribing his powers and duties,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from His Excellency, the Governor, was received and read, in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, February 5, 1872. }

*To the Legislature:*

I transmit herewith the annual report of the trustees of the Cooper Union for the advancement of Science and Art.

JOHN T. HOFFMAN.

*Ordered,* That said report be laid on the table and printed.

(See Doc. No. 25.)

The Assembly returned the bill entitled "An act to incorporate the Lockport Driving Park Association," with a message that they have concurred in the amendment of the Senate thereto.

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the bills entitled as follows:

"An act to change the name of the Flatbush Avenue Industrial School and Nursery."

"An act to amend an act entitled. 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870, and authorizing a change of the name thereof."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the bills entitled as follows:

"An act relative to lands held in trust by Harvey G. Moore for the benefit of Nehemiah Denton and his descendants," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend, widen, alter, and improve Banker street, to close a portion of the same, and to improve Union avenue in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to incorporate the German American Loan and Mortgage Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' " passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to incorporate the National American University of Music and other liberal arts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Adams offered the following:

*Resolved* (if the Assembly concur), That our Senators and Representatives in Congress from this State be requested to endeavor to secure such legislation as shall establish Albany as a port of entry.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

On motion of Mr. Adams, and by unanimous consent, the rule was suspended, in order that said resolutions might be considered immediately.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871."

"An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open One Hundred and Fifty-sixth street from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871."

"Resolution that the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the court of appeals."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Dickinson, from the same committee, reported progress on the last named resolution, and asked and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof."

"An act to legalize certain obligations incurred by the city of Brooklyn."

"An act in relation to the Chemung Railroad Company."

After some time spent therein the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Foster, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Lowery called for the consideration of the resolution, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting him to return to the Assembly for amendment the bill entitled "An act to extend the provision of chapter 113 of the Laws of 1853, entitled 'An act declaring Indian river a public highway.' "

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the clerk return said resolution to the Assembly, with a message informing that the Senate have concurred therein.

Mr. Chatfield gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the village of Owego.

On motion of Mr. Lowery, the Senate adjourned.

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## TUESDAY, FEBRUARY 6, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Baldwin, of Troy.

The journal of yesterday was read and approved.

The Assembly returned the bill entitled "An act to incorporate the Produce Commission Company," with a message that they do non-concur in the passage of the same.

A message from the Assembly was received and read as follows :

IN ASSEMBLY, *February 2, 1872.*

The undersigned, to whom were referred the joint rules of the two Houses, submit the following as the joint rules for 1872 :

*Rule 1.* Each House shall transmit to the other all papers in which any bill or resolution shall be founded.

*Rule 2.* When a bill or resolution which shall have passed in one House shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

*Rule 3.* Messages from one House to the other shall be communicated by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.

*Rule 4.* It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

*Rule 5.* In every case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for that purpose, and the other shall also appoint a committee to confer. The committee shall meet at such hour and place as shall be appointed by the chairman of the committee on the part of the House requesting such conference. The conferees shall state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they think advisable. But no committee on conference shall consider or report on any matters except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House. When such House shall have acted thereon, they shall transmit the same, and the papers relating thereto, to the other, with a message certifying its action thereon.

*Rule 6.* It shall be in order for either House to recede from any subject-matter of difference subsisting between the two Houses at any time previous to conference, whether the papers on which such difference arose are before the House receding, formally or informally; and on such vote to recede, the same number shall be required to constitute a quorum to act thereon, and to assent to such receding, as was required on the original question out of which the difference arose.

*Rule 7.* After each House shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session in either House.

*Rule 8.* All joint committees of the two Houses, and all committees of conference, shall consist of three Senators and five members of Assembly, unless otherwise specially ordered by concurrent resolution.

*Rule 9.* No bill which shall have passed one House shall have its final reading in the other in less than two days thereafter, without the consent of two-thirds of the members thereof present; and whenever ten or more bills shall be in readiness for final reading in either House, such House shall forthwith proceed to the final reading of such bills, under the order of "third reading of bills, and continue the same from day to day, until all such bills" then in readiness for final reading shall have been read, unless this order of business shall, by the vote of two-thirds of the members present, be suspended or laid on the table. All such bills shall have their last reading in each House in the order in which the same shall have been ordered to a final reading in such House, unless the bill to be read be laid on the table. In all cases where a bill shall be so ordered to lie on the table, it shall retain its place in the order of the final reading of bills, but shall not be called up for consideration unless by a vote of a majority of the members present.

*Rule 10.* The same bill shall not, specially or by name, create, renew or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one incorporation by name; but this rule shall not be construed to apply to corporations to be formed under general laws according to the eighth article of the Constitution,

nor to bills for consolidating corporations. After any bill has been reported by a committee, no amendment shall be made thereto which introduces an entirely new and different subject-matter from the subject-matter of the bill reported.

*Rule 11.* Whenever there shall be an election of officers by the joint action of the two Houses, the result shall be certified by the President of the Senate and Speaker of the Assembly, and shall be reported by the presiding officer of each House, to their respective Houses and be entered on the journals of each, and shall be communicated to the Governor by the clerks of the two Houses.

*Rule 12.* There shall be printed, of course, and without order, 389 copies of all original bills reported by committees of either House; and 800 copies of all messages from the Governor (except messages certifying his approval of bills), all reports of standing or select committees, and all reports and all communications made in pursuance of law; and 796 copies of the journal of each House, which number shall be denominated the usual number.

*Rule 13.* Neither House shall order the printing or purchasing of books for the use of members or for distribution, except by joint resolution upon which the ayes and noes shall be called, and which must receive the votes of a majority of each House; and no printing shall be done, by order of either House, which is not embraced in the contract for doing the public printing. Whenever either House shall order more than the usual number of any message or document, the fact shall be communicated immediately by message to the other. Whenever extra copies of any document shall be ordered printed, the printer shall be authorized and required to deliver to the trustees of the State Library at least five copies in addition to the number so ordered, for the use of the said library; and whenever more than 500 copies are so ordered, the printer shall in like manner furnish five additional copies for each 500, for the purpose of literary exchanges.

*Rule 14.* When the same document shall by separate orders be directed to be printed by both Houses, it shall be regarded as but one order, unless otherwise expressly directed by either House.

*Rule 15.* In the distribution of documents, the Governor and State officers shall each have the same number as each of the members; and a specified number may be added for any committee, officer, or author of a document.

*Rule 16.* The sergeant-at-arms of each House shall receive from the printer all matter ordered by the respective Houses, and shall keep a book and enter therein the time of reception by him of every such bill or document, and the number of copies received, and shall cause each and any of such bill or document to be immediately placed on the desks of the members.

*Rule 17.* There shall be printed three hundred and eighty-nine bills, and distributed as follows:

To the Senate .....	100 copies.
To the Assembly .....	250 copies.
To the State officers .....	28 copies.
To the State Library .....	1 copy.
Retained to bind .....	10 copies.

There shall be printed three hundred and ten messages and documents, and distributed as follows:

To the Senate .....	80 copies.
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To the Assembly ..... 190 copies.  
 To State officers ..... 30 copies.  
 To the State Library ..... 1 copy.

There shall be printed three hundred journals of each House, and distributed as follows :

To the Senate ..... 80 copies.  
 To the Assembly ..... 188 copies.  
 To the State officers ..... 30 copies.  
 To the State Library ..... 2 copies.

There shall be printed to bind four hundred and ninety-six journals of each House, and the same number of messages and documents, and distributed as follows :

For the Senate ..... 38 copies.  
 For the Assembly ..... 134 copies.  
 For Senate Library ..... 16 copies.  
 For Assembly Library ..... 50 copies.  
 For the counties and public officers ..... 123 copies.

For literary and scientific exchanges, to be made by the Regents of the University, including one copy for each State and territory, and one copy for each of the regents who are not otherwise provided for ..... 124 copies.

For State Library ..... 5 copies.

There shall also be printed and bound for the State Library five copies of the Session Laws, and also of the journal of each House, and fifty-five copies of the same for the Regents of the University, for the purpose of literary exchanges.

The Clerk of each House shall forthwith, after the journal thereof of each day is approved, deliver a legible copy thereof to the printer for the two Houses, who shall have the same printed and delivered to the sergeant-at-arms of each House within forty-eight hours thereafter.

*Rule 18.* There shall be a standing committee, consisting of three members of the Senate and five members of the Assembly, to be called the Joint Committee on the State Library and Cabinet of Natural History.

*Rule 19.* The supply bill and the annual appropriation bill shall be reported by the 15th day of March, and printed immediately thereafter, and made the special order for the 25th day of March, or some day prior thereto, immediately after the reading of the journal.

*Rule 20.* No bill introduced after the 15th day of March in either House shall have its final reading in either House until all bills previously introduced in either, and sent from one House to the other House for concurrence and ready for third reading, shall be disposed of, unless by unanimous consent, except the supply bill and the annual appropriation bill ; and the clerk of each House shall note on each engrossed bill the day on which it was introduced and the day on which it was received from the other House, and shall announce such facts when the same is proposed to be read a third time.

*Rule 21.* When a bill, originated in the Senate or Assembly, shall have been lost in either House, neither the same, nor any other bill on the same subject, and containing similar provisions, shall be subsequently introduced into the Senate or Assembly during the same session, unless by unanimous consent.

W. B. WOODIN,

*Chairman of Senate Committee.*

JAMES W. HUSTED,

*Chairman of Assembly Committee.*

The President put the question whether the Senate would agree to the adoption of said rules, and it was decided in the affirmative.

*Ordered*, That the Clerk return said report to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict presented a petition of James Brown and others for aid to the New York Orthopedic Dispensary; which was read and referred to the committee on finance.

Messrs. Harrower and J. Wood presented remonstrances against any legislative interference with the Erie Railway; which were read and referred to the committee on railroads.

Mr. Dickinson presented a petition of citizens of St. Lawrence county for an increase of the Literature Fund; which was read and referred to the committee on literature.

Mr. Tiemann presented a remonstrance against opening 127th, 128th and 129th streets, New York; which was read and referred to the committee on the affairs of cities.

The President presented a memorial of the chamber of commerce relative to damage to the harbor of New York; which was laid on the table and ordered printed.

*(See Doc. No. 27.)*

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush, in the county of Rensselaer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act to authorize the appointment of commissioners to propose amendments to the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street, from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871."

"An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871."

"An act to authorize corporations to hold and convey real estate, for business purposes, in other States, with the consent thereof."

"An act to legalize certain obligations incurred by the city of Brooklyn."

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act entitled 'An act to incorporate the German Bricklayers Benevolent Society, No. 30, of the city of New York,'"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, passed March 26, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries in said city and county,' passed January 30, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill entitled "An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Perry	Weismann
Baker	Foster	Murphy	Robertson	D. P. Wood
Bowen	Johnson	O'Brien	Tiemann	J. Wood
Chatfield	Lowery	Palmer	Wagner	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Foster	Madden	Robertson	D. P. Wood
Bowen	Harrower	O'Brien	Tiemann	J. Wood
Chatfield	Johnson	Palmer	Wagner	Woodin
Cock				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.				
Adams	Dickinson	McGowan	Perry	Weismann
Benedict	Foster	Murphy	Robertson	D. P. Wood
Bowen	Harrower	O'Brien	Tiemann	J. Wood
Chatfield	Johnson	Palmer	Wagner	Woodin
Cock	Lowery			

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act authorizing the appointment of attendants and messengers of the supreme court in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.				
Adams	Dickinson	McGowan	Perry	Weismann
Benedict	Foster	Madden	Robertson	D. P. Wood
Bowen	Harrower	Murphy	Tiemann	J. Wood
Chatfield	Johnson	O'Brien	Wagner	Woodin
Cock	Lowery	Palmer		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.				
Benedict	Harrower	Madden	Perry	Weismann
Bowen	Johnson	Murphy	Robertson	D. P. Wood
Chatfield	Lowery	O'Brien	Tiemann	J. Wood
Cock	McGowan	Palmer	Wagner	Woodin
Foster				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Cock	Johnson	O'Brien	Tiemann	
Benedict	Dickinson	Lowery	Palmer	Wagner	
Bowen	Foster	McGowan	Perry	Weismann	
Chatfield	Harrower	Madden	Robertson	J. Wood	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lowery	Palmer	Wagner	
Benedict	Foster	McGowan	Perry	Weismann	
Bowen	Harrower	Murphy	Robertson	D. P. Wood	
Chatfield	Johnson	O'Brien	Tiemann	J. Wood	
Cock					21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of Patrick Mullins by providing for the release of his real estate from the lien of a certain bond executed by him," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Foster	McGowan	Palmer	Wagner	
Chatfield	Harrower	Madden	Perry	Weismann	
Cock	Johnson	Murphy	Robertson	D. P. Wood	
Dickinson	Lowery	O'Brien	Tiemann	J. Wood	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann	
Baker	Dickinson	McGowan	Robertson	D. P. Wood	
Benedict	Foster	Madden	Tiemann	J. Wood	
Bowen	Harrower	Murphy	Wagner	Woodin	
Chatfield	Johnson	O'Brien			23

## FOR THE NEGATIVE.

Palmer

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street, from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Palmer	Wagner	
Baker	Foster	McGowan	Perry	Weismann	
Benedict	Harrower	Madden	Robertson	J. Wood	
Cock	Johnson	O'Brien	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize certain obligations incurred by the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Palmer	Wagner	
Baker	Dickinson	Madden	Perry	Weismann	
Benedict	Harrower	Murphy	Robertson	J. Wood	
Bowen	Lowery	O'Brien	Tiemann	Woodin	
Chatfield					21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lowery offered the following:

*Resolved*, That a committee of three be appointed by the President to investigate the subject of legislative postage during the last ten years.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The President appointed as such committee Messrs. Lowery, Palmer, and Johnson.

Mr. Lowery offered the following:

*Resolved*, That a respectful message be sent to the Assembly requesting the return of the Senate bill No. 49, entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.



Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," reported in favor of the passage of the same with an amendment, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga, passed April 7, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act establishing a justices' court in the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833; and also to amend chapter 412 of the Laws of 1864, being an act to amend an act entitled 'An act to provide for the registry of liens and encumbrances upon boats navigating canals in this State,' passed April 15, 1858."

"An act for the relief of Simon De Graff, James Conway, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed."

Assembly, "An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company."

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the two first named bills, the first mentioned without amendment, and the second mentioned with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the last-named bill, which report was agreed to, and said bill ordered to a third reading.

The Assembly returned the bill entitled as follows :

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870."

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Palmer	Weismann
Baker	Dickinson	McGowan	Perry	D. P. Wood
Benedict	Foster	Madden	Robertson	J. Wood
Bowen	Harrower	Murphy	Tiemann	Woodin
Chatfield	Johnson	O'Brien	Wagner	24

Mr. Lowery moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

A message from His Excellency the Governor was received and read in the words following :

EXECUTIVE CHAMBER,  
ALBANY, *February 6, 1872.* }

*To the Senate :*

I return, without approval, the Senate bill No. 11, entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844." The bill proposes to increase the salary of the recorder of Utica to two thousand five hundred dollars. The Legislature fixed this salary at eighteen hundred dollars. There is nothing in the events of the past two years to render insufficient now what was deemed to be and was sufficient then.

The bill imposes one-half of this salary as a charge upon the county of Oneida; the other half to be paid by the city of Utica. The common council of Utica approve of the bill, giving as one reason for so doing that only half the burden is imposed upon the city. The mayor and many citizens protest against it. The supervisors representing the rural towns have not approved of it or asked for it.

It seems to me there is nothing to justify a law obliging the local authorities of Oneida county to enlarge this salary; there being no evidence that the people interested desire it. I am satisfied that the people generally do not favor an increase of official salaries at this time, except when the same are clearly inadequate to the service performed.

JOHN T. HOFFMAN.

Mr. Tiemann moved to lay the message and bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act declaring it unlawful to sell intoxicating

liquor to persons who are in the habit of becoming intoxicated, or without consent of parent or guardian to minors, and making the person who sells liquor, with the owner or party renting or leasing the building or premises, when he has rented the same knowing that liquor was to be sold therein contrary to law, or when leased for other purposes he knowingly permits such sale therein, jointly and severally liable for damage to life, property, or means of support, by reason of the intoxication of any person caused, in whole or in part, by such sale; also, providing that illegal selling of such liquor shall work a forfeiture of all rights of the tenants, and for the prosecution for such damages and rendering certain property liable for the payment of judgments that may be obtained therefor, with costs of suit," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the concurrent resolution relative to requesting our Senators and Representatives in Congress to endeavor to secure such legislation as shall establish Albany as a port of entry, with a message that they had concurred in the passage of the same.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom."

Assembly, "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village."

Assembly, "An act in relation to the Chemung Railroad Company."

After some time spent therein the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Benedict, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Palmer moved to recommit the bill entitled "An act to provide a site for an armory and drill-room for the Seventh Regiment of the National Guard of the State of New York," to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

Mr. Chatfield offered the following:

The Senate having learned, with deep sorrow, of the death of Hon. William M. Ely, member of Assembly from Broome county; therefore,

*Resolved*, That we deeply sympathize with the family and friends of the deceased in their afflictive bereavement.

*Resolved*, That a committee of three be appointed by the President, to act with a like committee of the Assembly, to attend the funeral of the deceased.

*Resolved*, That as a mark of respect to the memory of the deceased the Senate do now adjourn.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

Whereupon the Senate adjourned.

## WEDNESDAY, FEBRUARY 7, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Darling.

The journal of yesterday was read and approved.

Mr. Weismann presented a petition of the trustees of the Congregation Shaary Tefila to confirm the conveyance of real and personal estate; which was read and referred to the committee on charitable and religious societies.

Mr. Wagner presented a petition of the trustees of Palatine Bridge union free school for an increase of the Literature Fund; which was read and referred to the committee on literature.

Messrs. Harrower, Lewis, Johnson, and Madden, severally, presented remonstrances against any legislation in behalf of the Erie railway; which were read and referred to the committee on railroads.

Messrs. McGowan and Bowen presented petitions for an increase of the Literature Fund; which were read and referred to the committee on literature.

Mr. Tiemann presented a petition of the merchants of New York to continue the commissioners of docks; which was read and referred to the committee on the affairs of cities.

Also, a petition of John T. Hecker and others to repeal the charter of the Tammany Society or Columbian Order; which was read and referred to the committee on the affairs of cities.

The President presented a communication from the comptroller of the city of New York, in reply to a resolution of inquiry in relation to payments on account of the court house in the ninth judicial district; which was laid on the table and ordered printed.

(See Doc. No. 28.)

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal section nine of an act entitled 'An act to make further provision for the government of the county of New York,' passed April 26, 1870," reported that they have directed their chairman to ask that the committee be discharged from its further consideration, and that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act relating to appropriations and deficiencies in the city and county of New York, etc., passed January 30, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to petit jurors for the county court and court of sessions in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act to provide for the incorporation of religious societies, passed April 5, 1813," report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant and hold real estate to the amount of one hundred thousand dollars," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the American Bible Society," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to confirm the conveyance of real and personal estate by the Beth El congregation of Jews of the city of New York, to the congregation of Shaary Tefila of the city of New York," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend chapter 515, of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent order of Good Templars of the State of New York,'" reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the trustees of Unadilla academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same,"' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act for the extension of the Utica, Chenango and Cortland rail-



*road,*" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the Harlem and New York Navigation Company to issue bonds and to mortgage its real estate to secure the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled "An act for the protection of purchasers of real estate upon sales by order of surrogates,"' passed April 20, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use, and convey certain real estate, and to legalize proceedings relative thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield Cemetery, and elect officers for the management of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the Canal Commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May the 15th, 1869,' and of acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to legalize the acts of Stafford Wade, Leverett Spring, and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act authorizing the town of Naples to raise eight thousand dollars by tax to build a town and sol-



diers' memorial hall,' passed April 16, 1869," which was read the first time, and by unanimous consent was also read the second time.

Mr. Johnson moved to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

"An act to authorize the trustees of the Methodist Episcopal church of Northville to convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment.

"An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

"An act to change the name of the Mutual Protection Life Assurance Society, and to provide for an increase of its capital."

"An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed towards building a new court-house for said county, in said town."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to supply the village of Middletown with water for public and private purposes," passed April 3, 1866.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833; and also to amend chapter 412, of the Laws of 1864, being an act to amend an act entitled 'An act to provide for the registry of liens and encumbrances upon boats navigating canals in this State,' passed April 15, 1858."

"An act for the relief of Simon DeGraff, James Conway and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon DeGraff, James Conway and George W. Phelps for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed.

"An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom."

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to enable the electors of the town of Chatham, Columbia county, to vote by districts for town officers, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act in relation to expenses in opening streets, and for local improvements in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled "An act for the incorporation of villages," passed December 7, 1847, and the several acts amendatory thereof, so far as the same relates to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge, and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act for the relief of Simon De Graff, James Conway, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps for constructing and repairing a bridge over the Genesee river in the county of Livingston, and to levy a tax for the amount allowed," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Palmer	Weismann
Baker	Harrower	Madden	Robertson	D. P. Wood
Benedict	Lewis	Murphy	Wagner	Woodin
Bowen	Lowery			

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FOR THE NEGATIVE.

Dickinson	Johnson	O'Brien	Tiemann
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833; and also to amend chapter 412 of the Laws of 1864, being an act to amend an act entitled 'An act to provide for the registry of liens and encumbrances upon boats navigating canals in this State,' passed April 15, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Baker	Dickinson	McGowan	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Bowen	Johnson	O'Brien	Wagner	

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the filing of the certificate of the Keating Lumber Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Johnson	Madden	Robertson	Weismann
Bowen	Lewis	O'Brien	Tiemann	D. P. Wood
Dickinson	Lowery	Palmer	Wagner	Woodin
Harrower	McGowan			

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Baker	Dickinson	Lowery	Palmer	Weismann
Benedict	Harrower	McGowan	Robertson	D. P. Wood
Bowen	Johnson	Madden	Tiemann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President announced as the committee to attend the funeral of Mr. Ely, late member of Assembly from Broome county, Messrs. Chatfield, Harrower, and Cock.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act authorizing the town of Naples to raise \$8,000 by tax to build a town and soldiers' memorial hall,' passed April 16, 1869."

"An act relating to local improvements in the city of New York."

"An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' etc., passed May 17, 1869."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Palmer, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870."

Assembly, "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village."

"An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name."

After some time spent therein, the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Lewis, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water."

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Harrower, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered to a third reading.

On motion of Mr. Madden, the Senate adjourned.

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## THURSDAY, FEBRUARY 8, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Baldwin.

The journal of yesterday was read and approved.

Messrs. Chatfield, Madden, and Lewis, severally, presented remonstrances against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Benedict presented a petition of William I. Peake and the wife of William Hoffman (adjudged to be a lunatic), praying for the discharge of said Hoffman from Ludlow street jail; which was read and referred to the committee on the judiciary.

Messrs. Adams, O'Brien, and Tiemann presented petitions in favor of the Beach Pneumatic railway; which were read and referred to the committee on railroads.

Mr. McGowan presented a remonstrance of the trustees of the Unadilla academy against the passage of an act authorizing the sale of said academy; which was read and referred to the committee on literature.

Mr. Dickinson presented two petitions for the repeal of an act for draining and reclaiming overflowed and wet lands adjoining Black lake,

in the counties of St. Lawrence and Jefferson, passed May 4, 1864; which were read and referred to the committee on the judiciary.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act supplementary to and amendatory of 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the appointment of the overseer of the poor in the city of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May the 15th, 1869, and of acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to incorporate the New Rochelle Mænnlicherchor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to superintendents of the poor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to extend the time for organizing the Niagara Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the Little Falls Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton,'" which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings and Westchester,' passed April 12, 1871."

"An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life."

"An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act to authorize the county treasurer of Kings to designate one of his assistants to act as deputy in his absence," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego in the county of Tioga,' passed April 9, 1851," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to regulate elections in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to construct certain roads from settlements in Lewis county to Brown's tract in Herkimer county, passed June 8, 1853, and the acts to continue in force said act and amendatory thereof passed April 18, 1859, to April 14, 1865,'" reported adversely thereto, which report was agreed to.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill to create a board of commissioners of estimate and control of railroads in this State, with power to limit the capital stock and dividend paying indebtedness of railroad companies doing business in the State to the amount actually levied on, and paid into the treasuries of such companies by the stock and bond holders representing such roads.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Depositors' Loan Institution of the city of New York.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Manhattan Company to construct railways underground in the city of New York.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to author-



ize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to Astoria, and through certain streets of said village,' passed May 5, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to exemptions,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to regulate railroad freight," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglass and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26th, 1839, passed April 11, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Wagner	
Baker	Dickinson	Lowery	Palmer	Weismann	
Bowen	Foster	McGowan	Robertson	D. P. Wood	
Chatfield	Harrower	Madden	Tiemann	Woodin	20

#### FOR THE NEGATIVE.

Lewis					1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act authorizing the town of Naples to build a town and soldiers' memorial hall,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Murphy	Wagner	
Baker	Dickinson	Lowery	Palmer	Weismann	
Benedict	Foster	McGowan	Robertson	D. P. Wood	
Bowen	Harrower	Madden	Tiemann	Woodin	
Chatfield	Johnson				22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Bowen	Foster	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to amend an act entitled ‘An act to incorporate the village of Port Richmond,’ passed April 24, 1866,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Tiemann
Baker	Dickinson	Lewis	Palmer	Wagner
Benedict	Foster	Lowery	Perry	Weismann
Bowen	Harrower	Murphy	Robertson	D. P. Wood
Chatfield				21

FOR THE NEGATIVE.

Woodin	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to amend an act entitled ‘An act to authorize the trustees of the village of Ellenvillé to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,’ passed April 5, 1866, and supplemental thereto,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Robertson
Baker	Cock	Johnson	O'Brien	Tiemann
Benedict	Dickinson	Lewis	Palmer	Wagner
Bowen	Foster	Lowery	Perry	Weismann 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Wagner	
Baker	Dickinson	Lewis	Perry	Weismann	
Bowen	Foster	Lowery	Robertson	D. P. Wood	
Chatfield	Harrower	McGowan	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lowery moved to take from the table the veto message of His Excellency, the Governor, of the bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question "Shall this bill pass notwithstanding the objection of the Governor?" and it was decided in the affirmative, two-thirds of all the Senators present and voting, voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Palmer	Wagner	
Baker	Dickinson	McGowan	Perry	Weismann	
Benedict	Harrower	Madden	Robertson	D. P. Wood	
Bowen	Lewis	Murphy	Tiemann	Woodin	20

FOR THE NEGATIVE.

Cock	Johnson	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same, notwithstanding the objections of the Governor, two-thirds of all the Senators present and voting, voting in favor thereof.

Mr. Madden moved that the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict offered the following :

*Resolved*, That the Clerk cause to be added to the desks of the Senators an elevated strip at the back of the desk and at the front of the leaf or lid of the desk, so as to prevent papers from sliding off the desk.

Mr. Johnson moved that the resolution be amended so as to apply only to the desk of the Senator from the fifth, Mr. Benedict.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. D. P. Wood moved that the desk of the Senator from the twenty-sixth, Mr. Johnson, be excepted from the operation of the resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the negative.

Mr. Palmer moved that the bill entitled "An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1832."

"An act relating to local improvements in the city of New York."

"An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866."

After some time spent therein the President resumed the chair, and Mr. D. P. Wood, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. D. P. Wood, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Madden moved that said last named bill be recommitted to the committee on the affairs of villages, with power to report complete at any time.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, asking the return of Assembly bill No. 45, entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," for correction.

On motion of Mr. Cock, and by unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *February 8, 1872.* }

*To the Legislature :*

I transmit herewith the draft of a code of laws relating to the assessment of taxes in the State of New York, prepared by the Commissioners on Taxation under an act of the Legislature, passed May, 1871, together with their report relating to the same.

Having, in my annual message, urged upon you an early and considerate examination of the system of taxation presented by the Commissioners, it is unnecessary for me to do more now than renew that recommendation, and at the same time to express my satisfaction with the labor and care which has manifestly been expended by the Commissioners in their conscientious effort to arrive at a uniform, equitable, and productive system of taxation.

JOHN T. HOFFMAN.

*Ordered*, That said message be laid on the table and printed.

(See Doc. No. 26.)

Mr. Benedict offered the following :

*Resolved*, That 5,000 copies of the report of the Commissioners on Taxation be printed for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act reappropriating a certain portion of the United States Deposit Fund for the benefit of academies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Baker offered the following :

*Resolved*, That the Senate hold a session this evening at half-past seven for the consideration of general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

Mr. Lowery offered the following :

*Resolved*, That the committee appointed to investigate the subject of legislative postage, have power to send for persons and papers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Bowen, the Senate adjourned.

**FRIDAY, FEBRUARY 9, 1872.**

**The Senate met pursuant to adjournment.**

**Prayer by the Rev. Dr. Darling.**

**The journal of yesterday was read and approved.**

**Mr. Perry presented a protest of representatives of mechanical and industrial trades of the cities of New York and Brooklyn against the continued enforcement of the eight hour law; which was read and referred to the committee on the judiciary.**

**Also, a memorial of the committee of fifty of the city of Brooklyn for the removal of the present commissioners of the water board of that city, and for the appointment of others in their places; which was read and referred to the committee on the affairs of cities.**

**Also, a resolution requesting the prevention of special legislation, increasing the fare on Van Brunt Street and Erie Basin Railroad Company, in the city of Buffalo; which was read and referred to the committee on railroads.**

**Also, a resolution of the common council of the city of Brooklyn, requesting the passage of an act to authorize the common council to borrow money to pay deficiencies; which was read and referred to the committee on the affairs of cities.**

**Also, a resolution of the common council of the city of Brooklyn, requesting the Senators and Assemblymen of that city to favor such measures as shall secure cheaper ferriage between that city and New York; which was read and referred to the committee on commerce and navigation.**

**Mr. Tiemann presented a petition of owners and captains of coastwise vessels in relation to pilotage; which was read and referred to the committee on commerce and navigation.**

**Mr. Benedict presented a petition of Alexander Taylor and others, executors, relative to claim against the city of New York; which was read and referred to the committee on the affairs of cities.**

**Mr. Weismann presented a petition of citizens of New York, in favor of the Beach Pneumatic Underground railway; which was read and referred to the committee on railroads.**

**Mr. Dickinson presented a petition of Dennis O'Connell and others for the repeal of an act, passed May 4, 1864, for draining wet land adjoining Black lake, in the counties of St. Lawrence and Jefferson; which was read and referred to the committee on the judiciary.**

**Mr. Palmer presented a petition of the trustees of Hudson Academy, for an increase of the Literature Fund; which was read and referred to the committee on literature.**

**Mr. Madden presented a remonstrance of citizens of Orange county against any legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.**

**Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county**



of Onondaga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Weismann, from the committee on public health, to which was recommitted the bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" with a message that they had non-concurred in the amendments of the Senate to said bill, and have appointed a committee of conference thereon, consisting of Messrs. Alvord, Twombly, Hawkins, A. L. Hayes and A. Hill, and request a like committee on the part of the Senate.

Mr. Woodin moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed as such committee Messrs. Woodin, Benedict and Tiemann.

*Ordered*, That the Clerk return said bill to the Assembly, with a message that the Senate had consented to a committee of conference thereon.

The Assembly returned the bill entitled "An act authorizing and requiring the town of Naples, Ontario county, to raise a further sum of money to provide for the completion and furnishing of the Town and Soldiers' Memorial Hall in said town," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the concurrent resolution relative to the adoption of the fifteenth amendment to the Federal Constitution, with a message that they had concurred in the passage of the same without amendment.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts, passed May 16, 1837,' passed May 11, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the United States and Canada Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to authorize the Manhattan Company to construct railways underground in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend the charter of the New York Health and Accident Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to protect purchasers on sales of the real estate of infants by special guardians prior to January 1, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to regulate public processions and parades in the cities of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to incorporate the New York City Depressed Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands held in trust by Harry G. Moore, for the benefit of Nemiah Denton and his descendants," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Johnson moved that said bill be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,'

passed April 13, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush, in the county of Rensselaer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, and passed March 26, 1866," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,' passed May 12, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages,' passed December 7, 1814, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village,' passed May 10, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the Little Falls Water-works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize incorporated villages in this State to borrow money and levy taxes for the purpose of purchasing or repairing steam or other fire engines, hose and apparatus for the same, and for building and repairing engine houses, and for keeping up a fire department," reported adversely thereto, which report was agreed to.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants."

Assembly, "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

"An act to amend chapter 576 of the Laws of 1870, entitled "An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

After some time spent therein, the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village."

"An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867."

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 17, 1857."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the two first named bills, which report was agreed to and said bills ordered to a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to change the name of the First Congregational Church and Society, of Poughkeepsie, New York."

"An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of Jews, of the city of New York, to the congregation 'Shaaray Telila,' of the city of New York."

"An act to extend the time for organizing the Niagara Water-works Company."

After some time spent therein, the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of said bills, which report was agreed to and said bills ordered to a third reading.

The bill entitled "An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," having been announced for a third reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was amended as follows: Strike out all after the enacting clause and insert the following:

SECTION 1. The estimate authorized by the first section of the act entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," passed January 30, 1872, may be made

at one or more times, in such form as the board therein mentioned may provide, but such estimates in the aggregate shall not exceed the sum of seven and a half millions of dollars, and the said Comptroller is hereby authorized to borrow from time to time on the credit of the said city and county in anticipation of the revenues thereof, an amount not exceeding said estimates to meet the expenditures by said section authorized, and issue revenue bonds therefor, and nothing in this or in said section contained shall affect the power of any department of the said city, or other body to proceed with and execute works of a permanent character, which it is authorized by laws now in force, to proceed with and execute, nor to prevent the said Comptroller from raising the moneys required for the payment of such permanent works under existing laws.

§ 2. It is hereby provided and declared that the second section of said act shall not apply to any claim for which a sufficient appropriation remained unexpended at the date of the passage of said act; and, further, that the said board may audit and allow, and the said Comptroller shall pay the claims specified in the said second section, notwithstanding they may be in excess of any sum or sums appropriated and set apart to any of the departments, or for any of the purposes of the said city or county, under and pursuant to chapter 583 of the Laws of 1871. All bills, accounts and claims presented to said board shall be placed on file in the department of finance in said city, and shall be open to the inspection of the public, and except those for salaries and wages, shall not be audited by said board until the expiration of five days after presentation. A general statement and entry of the nature of any bill, claim or account at the time of its presentation shall be deemed and taken as a reading and entry thereof in a book as contemplated by the requirement of the act hereby amended. Nothing contained in this act or in the act hereby amended shall be construed to require the said Comptroller to pay out of the proceeds of bonds authorized by said second section any claims or amounts that may lawfully be paid out of the avails of bonds or stocks heretofore by any law authorized, or out of the avails of taxation, or from any special or trust funds. Provided such construction shall not prevent or delay the payment to the several banks, insurance and trust companies, of the moneys advanced by them or either of them.

§ 3. The third section of the said act is hereby repealed.

§ 4. This act shall take effect immediately.

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Lewis	Madden	Tiemann	Woodin
Bowen	Lord	Palmer	Wagner	19

#### FOR THE NEGATIVE.

Johnson	1
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On motion of Mr. Palmer, and by unanimous consent the rule was suspended, and the Clerk ordered to deliver said bill to the Assembly immediately, with a message requesting concurrence therein.



On motion of D. P. Wood, and by unanimous consent, the Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondága," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Wagner	
Baker	Foster	Lowery	Perry	Weismann	
Benedict	Johnson	McGowan	Robertson	D. P. Wood	
Bowen	Lewis	Madden	Tiemann	Woodin	20

On motion of Mr. D. P. Wood, and by unanimous consent,

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Johnson, and by unanimous consent, the Assembly bill entitled "An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baker	Johnson	McGowan	Perry	Wagner	
Bowen	Lewis	Madden	Robertson	Weismann	
Dickinson	Lord	Palmer	Tiemann	D. P. Wood	
Foster	Lowery				17

FOR THE NEGATIVE.

Woodin					1
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On motion of Mr. Johnson and by unanimous consent, the rule was suspended and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Wagner	
Baker	Foster	Lowery	Perry	Weismann	
Benedict	Johnson	McGowan	Robertson	D. P. Wood	
Bowen	Lewis	Madden	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lord offered the following :

*Resolved*, That the Senate hold an executive session at 12:45 P. M.



The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872."

On motion of Mr. Tiemann, and by unanimous consent, the Assembly bill entitled "An act to confirm the conveyance of real and personal estate by the Beth El congregation of Jews, of the city of New York, to the congregation Shaaray Telila, of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Baker	Johnson	McGowan	Robertson,	D. P. Wood
Bowen	Lewis	Madden	Tiemann	Woodin
Dickinson	Lord	Palmer	Wagner	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to incorporate the Little Falls Water-works Company."

"An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. McGowan, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The hour of 12.45 P. M. having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

A message from the Assembly was received and read, requesting the concurrence of the Senate in a resolution, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting him to return for amendment, the Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

On motion of Mr. Perry, and by unanimous consent, the rule was suspended, and said resolution considered at once.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Lowery offered the following:

*Resolved*, That when the Senate adjourn to-day it be to meet Monday evening next at seven and a half o'clock.

Mr. D. P. Wood moved to amend by striking out the words "to-day" and inserting the words "to-morrow."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Adams- Benedict	Lewis Madden	Robertson	D. P. Wood	Woodin	7
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FOR THE NEGATIVE.

Baker Dickinson Foster	Johnson Lowery	McGowan Palmer	Perry Tiemann	Wagner Weismann	11
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The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baker Dickinson	Foster Johnson	Lowery McGowan	Perry Tiemann	Wagner Weismann	10
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FOR THE NEGATIVE.

Adams Benedict	Lewis Madden	Robertson	D. P. Wood	Woodin	7
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On motion of Mr. Lowery, the Senate adjourned.

MONDAY, FEBRUARY 12, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The journal of Friday was read and approved.

Mr. Ames presented a petition of the Hussey and Howe Mining Company for relief; which was read and referred to the committee on the judiciary.

Mr. Lewis presented two remonstrances of the citizens of Lancaster, Erie county, against the passage of the Buffalo plank-road; which were read and referred to the committee on roads and bridges.

Mr. Lowery presented a petition of the trustees of Whitestown semi-

nary for an increase of the Literature Fund; which was read and referred to the committee on literature.

Mr. Dickinson presented a petition of J. S. Conkey for an amendment of the Laws of 1865 defining the powers of the justice of the peace of the village of Canton; which was read and referred to the committee on the judiciary.

Mr. Ames presented a petition of John McDonald that his name be changed; which was read and referred to the committee on the judiciary.

Mr. Tiemann presented a petition of merchants and others to continue the department of docks; which was read and referred to the committee on commerce and navigation.

Also, a petition of the members of the general committee of the East Side Association that permission be granted to the Third Avenue Railroad Company to run palace or drawing-room cars on said railroad; which was read and referred to the committee on railroads.

Mr. Winslow moved to reconsider the vote upon agreeing to the report of the committee on roads and bridges adversely to the bill entitled "An act to amend an act entitled 'An act to construct certain roads from settlements in Lewis county to Brown's tract, in Herkimer county,' passed June 8, 1853; and the acts to continue in force said act and amendatory thereof, passed April 18, 1859, to April 14, 1865."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow moved to recommit said bill to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to appoint commissioners to investigate and examine into the pecuniary affairs and conditions of the several State prisons of this State and to report thereon, and also to suggest such laws, rules, and regulations as they may deem proper for the better regulation and discipline of said prisons to the Comptroller of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

A message from His Excellency the Governor was received and read in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, February 12, 1872. }

*To the Senate:*

I return, without approval, Senate bill No. 58, entitled "An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents." The bill is as follows:

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All officers, agents, commissioners, and other persons, acting for or on behalf of any county, town, or municipal corporation, in

this State, and each and every one of them, are hereby declared trustees of the property, funds, and effects of such county, town, or municipal corporation, respectively, so far as such property, funds, and effects have been, are, or may be committed to their management or control; and every person residing in such county, town, or municipal corporation, and assessed to pay taxes therein, who shall pay taxes therein, is hereby declared to be a *cestui que trust* in respect to the said property, funds, and effects, respectively; and any co-trustees, or any such *cestui que trust*, shall be entitled, as against such trustees, and in regard to such property, funds, and effects, to all the rights and remedies provided by law of any co-trustee or *cestui que trust*, to prosecute and maintain any action to prevent waste and injury to any property, funds, and estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by any co-trustee or *cestui que trust* aforesaid.

§ 2. This act shall take effect immediately.

Impressed, while examining the bill, with the belief that its provisions were open to serious objections, or, at least, to very grave doubts as to how they might affect, if it became a law, the vast interests involved in our numerous municipal governments, I addressed the following communication to the chief judge and the judges of the court of appeals:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, February 12, 1872. }

*To the Chief Judge and Judges of the Court of Appeals:*

A bill is now before me, for approval, of which a copy is annexed.

The bill affects all municipal governments in the State—cities, counties, villages and towns.

The intention of those who drafted the bill is unquestionably a good one, to wit: To provide additional protection against frauds by municipal officers. Two questions, however, have occurred to my mind in examining its language:

1. Whether the bill, if it become a law, in the words now used, may not operate to divest every municipal corporation of the title to its property, and to vest the legal title thereof in the various officers, commissioners, agents and other persons who may have control and management of such property, or of separate and distinct portions thereof.

2. Whether it may not operate to give to the tax-payers the exclusive right to sue for wrongs done, or in order to prevent wrongs by municipal officers, taking away the right of action in such cases from the corporation itself, and from all public officers; and may not, in fact, interfere with suits now pending.

I assume, from the title of the bill, that the Legislature did not intend to make such radical changes; they certainly intended to add to—not to diminish—the remedies against this class of wrongs.

I do not ask the members of the court to say what their construction of the bill would be, if it came before them as an enacted law. But in view of the far-reaching character of the bill, and of the extensive complications and injury that might arise from a possible construction of its present language, I feel that I am justified (and trust that you will agree with me) in asking of you the favor to read the bill, with a view simply to your telling me whether there is not room for doubt on the points I have suggested, grave enough to make it wise that before it is enacted into a

law the language of the bill should be amended so as to guard against such questions.

To this extent I can see no impropriety in your giving me your opinion, in view of the gravity of the questions involved; and I will be obliged by your doing so, if you see none.

JOHN T. HOFFMAN.

Their answer is as follows:

STATE OF NEW YORK—COURT OF APPEALS, }  
ALBANY, February 12, 1872. }

*To His Excellency, John T. Hoffman, Governor:*

SIR.—I have submitted to my associates in the court of appeals the bill received from you, and which is before you for approval, entitled “An act for the protection of tax-payers,” etc. (Senate bill, No. 58), and they are all agreed that serious questions might arise upon the bill in its present form, both as to the title of the property covered by the terms of the act and as to whether the municipalities are not divested of all title; and also as to the right of a corporation itself, or any of its officers, or any public officer, or any person whatever, other than a tax-payer, to bring an action in respect to the property, funds or effects mentioned in this act.

The terms trustee and *cestui que trust* have a well understood meaning, and ordinarily indicate a right of property, a legal title in the trustee, and a beneficial ownership in the *cestui que trust*, to the exclusion of all rights of property, legal or equitable, in any person or corporation other than the trustee or *cestui que trust*.

It is not intended to express an opinion that such is the legal effect of the act, but such effect may be claimed, and a bill more carefully prepared may obviate these objections.

Truly yours,

(Signed)

S. E. CHURCH.

As I said in my annual message, “it is not an unusual mistake that in providing a remedy for existing evils, others likely to come out of the remedy itself are overlooked.”

In times of unusual excitement about abuses in the administration of public affairs, and when the demand for correction and reform is urgent and loud, it is especially important that those charged with the responsibility of legislation should move with great caution, and that the most careful consideration should be given to every bill providing new remedies or making great changes in existing laws.

I deem it unnecessary to enlarge upon the objections which have suggested themselves to me, confident that the Senate will concur with me in the propriety of subjecting the bill, before it is enacted into a law, to a further examination by the judiciary committee of the Legislature, to the end that such amendments may be made to it as will carry out, effectually, the important purpose which the Legislature had in view, as indicated in the title of the bill.

JOHN T. HOFFMAN.

Mr. Robertson moved to lay the same on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled “An act to consolidate the several acts relating to

Savings Banks, and to provide for a uniform administration of their affairs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party in certain cases,' passed May 10, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a sewer in the county of Kings, from the county buildings at Flatbush, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act extending the powers of notaries public in the counties of Kings and New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend section 256 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to divide the ninth and twenty-first wards, and to create a new ward in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act to change the name of John McDonald to John Leonard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act to regulate the auditing of accounts by the board of supervisors in the several counties in this State, and the payment thereof by the county treasurer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act for the relief of the Hussey and Howe Mining Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ames asked and obtained leave to introduce a bill entitled "An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceeding against them," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to repeal an act passed May 4, 1864, entitled 'An act to provide for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries in the counties of St.



Lawrence and Jefferson, and for improving the hydraulic powers at Ogdensburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Ames offered the following:

The special committee appointed to investigate certain charges against Senator James Wood having found it necessary, in the discharge of its duties in the city of New York, to employ for the occasion the services of a special stenographer, therefore

*Resolved*, That such action of said committee, in that behalf, be and the same is hereby sanctioned and approved.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Tiemann offered the following:

*Resolved*, That the Presidents of the New York Central and Hudson River Railroad Companies, the President of the New York and Harlem Railroad Company, and the President of the New York and New Haven Railroad Company report within fifteen days to the President of the Senate, for the information of the Legislature, what streets or avenues, or parts of the same, within the limits of the city of New York, above Forty-second street, are used by them for the making up or running of the trains on said roads, with the number of tracks laid down or used for such purpose, and the number of daily passenger, freight, or other trains so run by them, or under their direction, on their respective roads, with the rate of speed at which such trains are run. And also the number of accidents that have occurred in any manner connected with the running of such trains within the period of two years preceding January 1, 1872, specifying particularly the date, locality, nature and result of each case of accident so occurring, and the number of actions at law that have been brought against the said railroad corporations, or either of them, on account of such accidents to life or property. And also what amount of rent or money has been charged or received during the year 1871, by either of the said railroad companies from any person or corporation, for the privilege of using any rails or tracks now laid down within the city of New York.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lewis offered the following:

*Whereas*, By chapter 654 of the Laws of 1871, "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs, and maintenance of the canals for the fiscal year commencing on the first day of October, 1871, passed April 20, 1871," there was appropriated the sum of \$1,275,750, of which sum there was appropriated the sum of \$1,000,000 for the ordinary repairs of said canals, apportioned to the several divisions as follows: To the eastern division, \$400,000; to the middle division, \$300,000; and to the western division, \$300,000; and

*Whereas*, An act making an appropriation of \$780,000 for deficiency in said appropriation for the fiscal year ending September 30, 1872,

for ordinary repairs of the canals to that date is now called for, apportioned as follows: To the eastern division, \$500,000; to the middle division, \$150,000; and to the western division, \$120,000; and

*Whereas*, Proper appropriations for the purpose named cannot be made intelligently by this Legislature without a knowledge of the amount of the appropriation passed April 20, 1871, remaining unexpended on the first day of January, 1872; therefore, be it

*Resolved*, That the Auditor of the Canal Department be requested to furnish the Senate with a detailed statement of the expenditures for ordinary repairs for each of said divisions from the first day of October, 1871, to the first day of January, 1872, and also with the amount remaining on hand of such appropriation belonging to each division unexpended, and what amount of liabilities, if any, remained unpaid chargeable to said divisions on the first day of January, 1872; and further, to report what deficiency, if any, existed in the appropriation for the ordinary repairs of the canals for the fiscal year ending the 30th day of September, 1871, and if such deficiency existed, in what manner it has been provided for.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State.'"

"An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name."

"An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' etc., passed May 17, 1869."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported progress on said first named bill, and asked and obtained leave to sit again.

Mr. Palmer, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869."

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

"An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company."

After some time spent therein the President resumed the chair, and Mr. Perry, from said committee, reported in favor of the passage of the first named bill, with an amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Perry, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the appointment of the overseer of the poor in the city of Utica."

Assembly, "An act supplementary to, and amendatory of, 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof."

"An act to amend an act entitled 'An act to amend an act entitled "An act to incorporate the village of Port Byron," passed May 12, 1869."'

After some time spent therein the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

"An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village.

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water."

*Ordered*, That the Clerk return said bills to the Assembly.

On motion of Mr. Cock, the Senate adjourned.

TUESDAY, FEBRUARY 13, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bancroft.

The journal of yesterday was read and approved.

Mr. Benedict presented a remonstrance of the citizens of New York against the erection of an armory in Reservoir square; which was read and referred to the committee on the affairs of cities.

Mr. Tiemann presented a petition of G. M. Glaze and others of the city of New York in relation to railroad abuses on the Fourth avenue; which was read and referred to the committee on railroads.

Messrs. Graham, Chatfield, and Lewis presented remonstrances against any legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Lewis presented a memorial of the German United Evangelical St. John's church; which was read and referred to the committee on charitable and religious societies.

Mr. Johnson presented a petition of the citizens of Yates county for an act to raise the water in Crooked lake for the benefit of the Crooked Lake canal; which was read and referred to the committee on canals.

Also, a petition of the inhabitants of Seneca and the trustees of union school for an increase of the Literature Fund; which was read and referred to the committee on literature.

Mr. Benedict presented petitions of sundry citizens for the exemption of bonds and mortgages from taxation; which were read and referred to the committee on finance.

Mr. Dickinson presented two petitions of Benjamin Olds and others to repeal an act passed May 4, 1864, entitled "An act for the promotion of public health in Jefferson and St. Lawrence;" which were read and referred to the committee on the judiciary.

Mr. Foster presented a petition of Charles J. Johnson for an act authorizing the appraisal of damages for land taken for highway purposes in Hamilton; which was read and referred to the committee on the judiciary.

Mr. Allen presented a petition of the officers of the Cattaraugus County Agricultural Society for authority to issue bonds; which was read and referred to the committee on agriculture.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name."

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

"An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869."

"An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company."

"An act to provide for the appointment of the overseer of the poor in the city of Utica."

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,' passed May 12, 1869."

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

"An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866."

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend the act entitled 'An act to authorize the business of banking,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ames, from the committee on State prisons, to which was referred

the bill entitled "An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons of this State and to report thereon, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons to the Comptroller of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ames, from the committee on State prisons, to which was referred the bill entitled "An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a department of police for the city of Buffalo,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

SENATE CHAMBER,  
ALBANY, *Feb.* 13, 1872. }

*To the Senate :*

Your committee, appointed to attend the burial of the late Hon. Wm. M. Ely, of Broome county, beg leave to report, that they discharged that duty by attending the funeral obsequies in the city of Binghamton, on Friday last (with a like committee of the Assembly), where they met the largest assemblage of persons that ever convened on a like occasion in that city.

(Signed.)

T. I. CHATFIELD.  
G. T. HARROWER.  
T. D. COCK.

The Assembly sent for concurrence the bills entitled as follows :

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to incorporate the Onondaga County Milk Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act for the relief of John N. Dunn and Eliphalet J. Swain," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to amend section 2 of chapter 545 of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



"An act relating to the New York and Long Island Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend the charter of the village of Potsdam," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to divide the county of Sullivan into two school commissioner districts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to incorporate the Depositors' Loan and Indemnity Company."

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act authorizing the Canal Commissioner to retain part of the surplus or flood water of the Crooked lake for the benefit of the Crooked Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to authorize the Bleecker street and Fulton Ferry Railroad Company of the city of New York to extend their railroad tracks through certain streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend the charter of the New York Bond Deposit Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act relative to the American Trust Company of the city of New York," which was read the first time, and by unanimous



consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to revise the charter of the city of Utica,' passed February 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act incorporating the Psi chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill entitled "An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars wherewith to pay the indebtedness existing against said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Weismann	
Allen	Chatfield	Johnson	Palmer	Winslow	
Ames	Cock	Lewis	Perry	D. P. Wood	
Baker	Dickinson	Lowery	Robertson	J. Wood	
Benedict	Foster	Madden	Tiemann	Woodin	25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Winslow
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Ames	Foster	Madden	Tiemann	J. Wood
Baker	Graham	O'Brien	Weismann	Woodin
Bowen				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," having been announced for a third reading.

On motion of Mr. Woodin, and by unanimous consent, the same was amended by striking out section 2, as follows:

"§ 2. Section 3 of said act is hereby amended so as to read as follows:

"§ 3. The territory within the following boundaries shall constitute the village of Weedsport, to wit: All of lot No. 65 in the town of Brutus, in the county of Cayuga, and State of New York, as laid down by the Surveyor-General in his map of Military Tract, so called; and also that tract of land commencing at the north-west corner of said lot No. 65, running thence north forty chains; thence east one mile; thence south forty chains to the north-east corner of said lot No. 65, and thence along the north line of said lot No. 65, to the place of beginning.

"§ 3. This act shall take effect immediately."

Also, strike out all of section 1 after the word "village," in next to last line, and insert the following: "As provided in section 43 of the act hereby amended, whenever the widening or alteration of any street shall require the removal of any foundation walls or temporary structures, in any part of the village where buildings have been destroyed by fire, the commissioners appointed to assess the damage, as herein provided, shall include in their report the time when such foundation walls or temporary structures shall be removed, and shall take the same into consideration in their estimate of damages. In case the owners do not remove such foundation walls or temporary structures within the time so fixed, after notice thereof has been given by the trustees of said village, the said trustees shall have power to remove the same at the expense of such owners."

Also, add as section 2 the following:

"§ 2. All acts and parts of acts inconsistent with this act are hereby repealed."

Also, add as section 3 the following:

"§ 3. This act shall take effect immediately."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Winslow
Allen	Chatfield	Johnson	Perry	D. P. Wood
Ames	Cock	Lewis	Robertson	J. Wood
Baker	Dickinson	Lowery	Tiemann	Woodin
Benedict	Foster	O'Brien	Weismann	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Winslow
Allen	Chatfield	Johnson	Perry	D. P. Wood
Ames	Cock	Lewis	Robertson	J. Wood
Baker	Dickinson	Lowery	Tiemann	Woodin
Benedict	Foster	O'Brien	Weismann	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' etc., passed May 17, 1869," having been announced for a third reading.

On motion of Mr. Lowery, and by unanimous consent, the title of said bill was amended so as to read as follows:

"An act to change the name of the Utica and Mohawk Street railroad, to extend their track, and to regulate the fare thereon."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Benedict	Foster	Tiemann	D. P. Wood
Allen	Bowen	Graham	Weismann	J. Wood
Ames	Chatfield	Lowery	Winslow	Woodin
Baker	Cock	Robertson		18

## FOR THE NEGATIVE.

Johnson	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Little Falls Water-works Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	O'Brien	Weismann
Allen	Cock	Johnson	Perry	Winslow
Ames	Dickinson	Lewis	Robertson	J. Wood
Baker	Foster	Lowery	Tiemann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act concerning theodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Madden	Weismann
Allen	Chatfield	Johnson	Perry	Winslow
Ames	Cock	Lewis	Robertson	J. Wood
Baker	Foster	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,' " having been announced for a third reading,

On motion of Mr. Winslow, and by unanimous consent, said bill was amended as follows:

Section 2, line 7, strike out the words "or mortgage all or any " and insert the following: "or may make and issue bonds of said company, and secure the same by a mortgage of the franchises of said company, and also all and any."

Add as section 3:

"§ 3. This act shall take effect immediately."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	D. P. Wood
Baker	Cock	Madden	Weismann	J. Wood
Benedict	Foster	Perry	Winslow	Woodin
Bowen	Lewis			

17

FOR THE NEGATIVE.

Johnson	O'Brien	Tiemann
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3

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	O'Brien	Weismann
Allen	Chatfield	Lewis	Perry	D. P. Wood
Baker	Cock	Lowery	Robertson	J. Wood
Benedict	Dickinson	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating its present indebtedness," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	Madden	Tiemann	Woodin
Bowen				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the appointment of the overseer of the poor in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	O'Brien	Weismann
Allen	Chatfield	Lewis	Perry	Winslow
Baker	Cock	Lowery	Robertson	D. P. Wood
Benedict	Dickinson	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act supplementary to and amendatory of 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Benedict	Foster	O'Brien	Weismann
Allen	Bowen	Johnson	Perry	Winslow
Ames	Chatfield	Lewis	Robertson	D. P. Wood
Baker	Dickinson	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to incorporate the village of Port Byron,"" passed May 12, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Weismann
Allen	Chatfield	Johnson	Perry	Winslow
Ames	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Weismann	
Allen	Chatfield	Johnson	Perry	Winslow	
Ames	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Madden	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *February* 13, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Jacobs, and by unanimous consent, the same was amended as follows :

Add at the end of section 1 the following :

"And any default or misfeasance in office of such deputy treasurer shall be deemed to be a breach of the condition of the bond given or to be given by the said treasurer, under the provisions of this act."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Benedict	Foster	O'Brien	Winslow	
Allen	Bowen	Graham	Perry	D. P. Wood	
Ames	Chatfield	Johnson	Robertson	Woodin	
Baker	Dickinson	Lewis	Weismann		19

Said bill as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Winslow	
Allen	Chatfield	Johnson	Perry	D. P. Wood	
Ames	Cock	Lewis	Robertson	J. Wood	
Baker	Dickinson	Madden	Weismann	Woodin	
Benedict	Foster				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.



A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *February 9, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Prince, and by unanimous consent, the same was amended as follows :

Add at the end of first section the words : "and shall be issued and sold by said trustees at not less than par."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Madden	Weismann
Allen	Chatfield	Graham	O'Brien	D. P. Wood
Ames	Cock	Lewis	Robertson	J. Wood
Baker	Dickinson	Lowery	Tiemann	Woodin
Benedict				

21

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Winslow
Allen	Chatfield	Johnson	Robertson	D. P. Wood
Ames	Cock	Lewis	Tiemann	J. Wood
Baker	Dickinson	Lowery	Weismann	Woodin
Benedict	Foster	Madden		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Safe Deposit and Trust Company of Auburn," reported the same to the Senate for its consideration, and said bill committed to the committee of the whole.

Mr. Bowen moved that the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield moved that the bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," be recommitted to the committee on public health.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker offered the following:

*Resolved*, That the judiciary committee be discharged from the further consideration of the bill entitled "~~An act to establish a police justice's court~~ in the city of Troy," and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State.'"

"An act relating to local improvements in the city of New York."

"An act supplementary to and amendatory of chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Graham from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The President presented a communication, in the words following, to wit:

HOMŒOPATHIC MEDICAL SOCIETY OF THE STATE OF NEW YORK, }  
ALBANY, N. Y., *February* 13, 1872. }

*To the President of the Senate:*

DEAR SIR.—We have the honor to inform you that the twenty-first annual session of the State Homœopathic Medical Society is now being held in the common council chamber, and that we are authorized to extend to the members of the Senate an invitation to attend the sessions of the Society; also to listen to the address by the president, to be delivered in the same place this evening at eight o'clock.

We have the honor to be,

Very respectfully, yours,

L. B. WALDO,  
CHAS. A. CHURCH,  
GEO. F. FOOTE,

*Committee.*

Mr. Madden moved that the bill entitled "An act relating to local improvements in the city of New York," be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

•        **WEDNESDAY, FEBRUARY 14, 1872.**

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Osborn.

The journal of yesterday was read and approved.

Mr. Perry presented a remonstrance of the committee of fifty of the city of Brooklyn, against further issue of bonds; which was read and referred to the committee on the affairs of cities.

Mr. Benedict presented a petition of the Woman's Hospital, praying for an appropriation; which was read and referred to the committee on finance.

Mr. Tiemann presented a petition of James W. Beekman, John Kavanagh, Charles Peck, and others in relation to railroad abuses on Fourth avenue in New York; which was read and referred to the committee on railroads.

Mr. Murphy presented a petition of Margaretta P. Remsen and husband for an act relative to lands in Brooklyn belonging to Thomas Pool's estate; which was read and referred to the committee on the judiciary.

Also, a petition of owners of property on Third avenue, New York, for more rapid transit; which was read and referred to the committee on railroads.

Mr. Tiemann presented a petition of E. H. Brown and others, owners of one hundred and seventy lots in Harlem, in favor of the opening of 127th, 128th, and 129th streets in the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Robertson presented a remonstrance of Joseph Cornell and other citizens of the village of Catskill against the passage of the bill to incorporate the Poughkeepsie Bridge Company; which was read and referred to the committee on commerce and navigation.

Messrs. Harrower, Madden, Graham, and Bowen presented remonstrances against any legislative interference with the management of the Erie railroad; which were read and referred to the committee on railroads.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to change the name of Utica and Mohawk Street Railroad Company to extend their track and regulate the fare thereon."

"An act to repeal chapter 321 of the Laws of 1870, entitled "An act to provide for the appraisal of canal claims against the State."

Also, as correctly re-engrossed:

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the trustees of the M. E. Church of Northville to convey real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and city of Albany, to increase the capital stock and to alter their corporate name,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Potsdam," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to revise the charter of the city of Utica, passed February 28, 1862,' passed February 25, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Oswego to convey, by deed, certain land in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812."

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the House of the Evangelists in the city of New York,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Young Men's Christian Association of the town of New Utrecht," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act relative to certain lands in the city of Brooklyn in Kings county, which in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza, for and during her natural life," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the descent of real estate to female citizens of the United States, and their descendants, notwithstanding their marriage with aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to create a board of commissioners of estimate and control of railroads in this State, and to define the powers and duties of said commissioners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Hospital,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act for the better prevention of disease and cruelty," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to incorporate the Depositors' Loan Institution, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to incorporate the Manhattan Loan and Trust Company, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to repeal chapter 321 of the Laws of 1870,

entitled 'An act to provide for the appraisal of canal claims against the State,' having been announced for a third reading.

Mr. Woodin moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Madden moved to lay upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Clerk read the following communication:

SENATE CHAMBER, }  
ALBANY, February 14, 1872. }

*To the Senate of the State of New York:*

I hereby respectfully tender my resignation of the office of Clerk of the Senate.

This is the fulfillment of a purpose not recently formed, but which has awaited the time when, in my judgment, it could be fittingly put in execution.

It has seemed to me that if I took this step sooner, it might possibly have embarrassed the action of the committee, or, at any rate, have been used as ground for a charge of an intention so to do, or as a way of avoiding an inquiry.

I had no intention or wish to prevent any investigation of the matters referred to that committee, for I have been conscious always that the whole truth, when it was ascertained, would come far short of the measure of the accusations and innuendos made; and now all is shown that the most zealous for truth or the most malicious can show. It will not appear from the testimony that I have ever increased an account; that I have ever requested or suggested any action which would cause an account; that I have ever taken a cent from the State treasury which was not my due. The sole thing which I have done is to follow a precedent established for years, and the money which I have received I considered from this usage a legitimate perquisite of the place and for services rendered. That no wrong was meant or perceived in this is shown by the fact that no secrecy was used. The account was as open as any on the books of account, perceptible to any who might, in the daily course of their clerical employment or from purpose, have occasion or desire to see them, or who might casually light upon them. But I perceive that a public feeling, now unusually sensitive, takes a view of my action different from what I have taken. I propose to recognize and obey that public sentiment without fretful dissent, but rather with the expression of sincere regret that I have in any way offended it. Nor do I, for a moment, harbor the purpose of relying upon the friendly political and personal feeling which I know prevails towards me in your honorable body. I will put no Senator to the unpleasant task of scrutinizing his convictions to determine how far they are the results of his ideas of public duty, or how far they are moved by good will to me.

Therefore, I beg to tender this my resignation, and ask your honorable body to accept it, to take effect on the election of my successor by the Senate.



Thanking you individually for many acts of kindness, and wishing each and every one of you a long life of prosperity and happiness,  
I have the honor to be,

Very respectfully,

Your obedient servant,

JAS. TERWILLIGER.

Mr. D. P. Wood moved that it be accepted on the terms named by the Clerk.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tiemann offered the following:

*Resolved*, That the comptroller of the city of New York be and he is hereby requested to furnish an estimate of the value of the ground purchased for the use of the ninth judicial district court-house, in said city; also, an estimate of the value of all work done and material furnished in the erection of the same to the present time.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Assembly sent for concurrence a resolution, as follows:

IN ASSEMBLY, *February 14, 1872.*

*Resolved* (if the Senate concur), That His Excellency the Governor be requested to return to the Assembly Assembly bill No. 88, being "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge and Rye, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867."

"An act to incorporate the Moose River Improvement Company."

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

After some time spent therein the President resumed the chair, and Mr. Murphy, from said committee, reported in favor of the passage of the first and second named bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Murphy, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend the charter of the American Bible Society."

Assembly, "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the constructing of railroads, passed May the 15th, 1869,' and of acts amendatory thereof."

Assembly, "An act for the extension of the Utica, Chenango and Cortland railroad."

After some time spent therein the President resumed the chair, and Mr. Lord, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to and said bills ordered to a third reading.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to facilitate the construction of the New York and Oswego Midland railroad.

Mr. Adams, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend the charter of the city of Cohoes," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That when the Legislature adjourns on Friday, the 16th inst., it adjourn to meet on the evening of Monday, the 26th inst., at 7½ o'clock, P. M.

By unanimous consent, Mr. Madden moved to strike out the words "Friday the 16th," and insert the words "Wednesday, 21st."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Palmer	Winslow
Benedict	Foster	Madden	Robertson	D. P. Wood
Bowen	Harrower	Murphy	Weismann	Woodin
Chatfield	Lewis	O'Brien		
				18

#### FOR THE NEGATIVE.

Allen	Cock	Lord	Perry	Tiemann
Ames	Johnson			
				7

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Lowery	Palmer
Dickinson				
				6

#### FOR THE NEGATIVE.

Allen	Chatfield	Madden	Robertson	Winslow
Ames	Cock	Murphy	Tiemann	D. P. Wood
Benedict	Johnson	O'Brien	Weismann	Woodin
Bowen	Lord	Perry		
				18

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled as follows :

"An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of Jews, of the city of New York, to the congregation 'Shaary Tefila,' of the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Madden, the Senate adjourned.

## THURSDAY, FEBRUARY 15, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bancroft.

The journal of yesterday was read and approved.

Mr. Baker presented a petition of citizens of Troy, Lansingburgh, and Waterford for an appropriation for the improvement of navigation between the State dam and the railroad bridge at Troy; which was read and referred to the committee on finance.

Mr. Graham presented a petition of Col. P. Hawkins and others for an act amending the Military Code; which was read and referred to the committee on the militia.

Mr. O'Brien presented a petition of the Demilt Dispensary for a donation; which was read and referred to the committee on finance.

Also, a petition of J. S. Westervelt and others for the Beach Pneumatic railway; which was read and referred to the committee on railroads.

Mr. Lewis presented a petition of citizens of Erie county to change the time of holding town elections; which was read and referred to the committee on the judiciary.

Mr. Cock presented a petition of George A. Brandreth and others for the Beach Pneumatic railway; which was read and referred to the committee on railroads.

Messrs. Harrower, Weismann, Tiemann, and Johnson presented petitions on the same subject; which were read and referred to the committee on railroads.

Messrs. Graham, Bowen, Johnson, Harrower, Lewis, Chatfield, Lord, and Madden presented a remonstrance against legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.

Mr. Lord presented a remonstrance against placing the Erie railway under the control of a British monopoly; which was read and referred to the committee on railroads.

Also, a remonstrance against the repeal of the two per cent tax on foreign insurance companies; which was read and referred to the committee on insurance.

Mr. McGowan presented a remonstrance of citizens of Oneida, Lewis, and Herkimer counties against the passage of the act to incorporate the Moose River Improvement Company; which was laid on the table.

Mr. O'Brien presented a memorial to provide a site for an armory for the Seventh regiment, National Guard, State of New York; which was read and referred to the committee on the militia.

Also, a memorial from the East Side and West Side Associations of the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. ——— presented a petition of citizens of Green Point for the passage of the Assembly bill regulating ferries running from the foot of Tenth and Twenty-third streets, New York, to Green Point; which was read and referred to the committee on commerce and navigation.

The President presented a communication from the Comptroller in reply to a resolution of the Senate relative to the expenses of the Senate for 1871; which was laid on the table and ordered printed.

*(See Doc. No. 30.)*

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to establish the rates of toll on the Western plank-road in the counties of Franklin and Clinton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburg, to the Carthage road near the head of Long lake, in the county of Hamilton,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal section 43 of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to superintendents of the poor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz to be applied to the repairs of certain highways in the said town,' passed April 2, 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled "An act relative to the general society of mechanics and tradesmen of the city of New York,"' passed April 1, 1856," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act reappropriating a certain portion of the United States Deposit Fund for the benefit of academies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Walden Savings Bank," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newton creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled "An act to provide a further supply of pure and wholesome water for the city of New York," passed April 6, 1871,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Murphy, from the committee on literature, to which was referred the Assembly bill entitled "An act to provide for the formation of free public libraries," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867."

"An act to incorporate the Moose River Improvement Company."

"An act to amend the charter of the American Bible Society."

Mr. Harrower, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,' "

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on literature, to which was referred the Assembly bill entitled "An act to divide the county of Sullivan into two school commissioner districts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the electors of the town of Chatham, Columbia county, to vote by districts for town officers, and for other purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, asking the return of Assembly bill No. 64, entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga, for amendment."

On motion of Mr. D. P. Wood, and by unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to provide for the better administration of the estate of deceased persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter — of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter — of the Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to facilitate the construction of the New York and Oswego Midland railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to authorize the city of Rochester to subscribe for stock of the Lake Ontario Shore Railroad Company from the proceeds of the sale of the Rochester and Genesee Valley Railroad Company stock owned by said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend the Revised Statutes in relation to the laying out of public roads and of the alteration thereof, in the town of Greenburgh,' passed April



15, 1854, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Bay Ridge Contracting Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act relative to the Washington Street and State Asylum Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to repeal 'An act to authorize the construction of a bridge over the Chenango canal, in the city of Binghamton, at its intersection with Chenango street in said city,' passed April 7, 1871, and to provide for the construction of an iron bridge over the extension of the Chenango canal, in the city of Binghamton, at its intersection with Robinson street in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act in relation to the performance of labor upon public highways and bridges in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to incorporate the Addison Spring Water Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to incorporate the Moose River Improvement Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lord	Robertson	Winslow
Bowen	Graham	Madden	Wagner	D. P. Wood
Chatfield	Harrower	Murphy	Weismann	Woodin
Cock	Lewis	O'Brien		

18

FOR THE NEGATIVE.

Johnson	Lowery	McGowan	Tiemann
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4

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the American Bible Society," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	O'Brien	Wagner
Bowen	Graham	Lowery	Perry	Weismann
Chatfield	Harrower	McGowan	Robertson	Winslow
Cock	Johnson	Murphy	Tiemann	D. P. Wood 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Weismann
Baker	Dickinson	Johnson	Perry	Winslow
Bowen	Graham	Lowery	Wagner	D. P. Wood 15

## FOR THE NEGATIVE.

Benedict	Lewis	O'Brien	Robertson	Tiemann
Cock	Murphy			7

Mr. Winslow moved to reconsider the vote just taken, and that the motion lie upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Weismann
Baker	Dickinson	McGowan	Perry	Winslow
Benedict	Graham	O'Brien	Wagner	D. P. Wood
Bowen	Harrower			17

## FOR THE NEGATIVE.

Cock	Lowery	Madden	Robertson	Tiemann
Johnson				6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Perry	Weismann
Baker	Graham	O'Brien	Robertson	D. P. Wood
Benedict	Harrower	Palmer	Tiemann	Woodin
Chatfield				

16

Mr. Robertson moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Weismann
Benedict	Foster	McGowan	Robertson	Winslow
Bowen	Graham	Madden	Tiemann	D. P. Wood
Chatfield	Harrower	Palmer	Wagner	Woodin
Cock				

21

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Wagner
Benedict	Foster	Lowery	Perry	Weismann
Bowen	Graham	McGowan	Robertson	Winslow
Chatfield	Harrower	Madden	Tiemann	D. P. Wood
Cock	Johnson			

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Palmer moved to reconsider the vote upon the concurrent resolution, as follows:

*Resolved* (if the Senate concur), That when the Legislature adjourn on Wednesday, the 21st, it adjourn to meet on the evening of Monday, the 28th, at 7½ o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Baker	Cock	Lord	Tiemann	Winslow
Benedict	Graham	McGowan	Wagner	D. P. Wood
Bowen	Harrower	Palmer		

18

## FOR THE NEGATIVE.

Dickinson	Lowery	O'Brien	Robertson	Woodin
Johnson	Murphy			

7

Mr. Palmer moved to restore the resolution as it came from the Assembly by substituting the words "Friday, the 18th," in place of the words "Wednesday, the 21st."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Baker	Cock	Lord	Palmer	Tiemann
Bowen	Graham	McGowan	Perry	Wagner
Chatfield	Harrower			

13

FOR THE NEGATIVE.

Adams	Foster	Lowery	O'Brien	Winslow
Benedict	Johnson	Madden	Robertson	D. P. Wood
Dickinson	Lewis	Murphy	Weismann	Woodin

15

Mr. Lord asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Madden moved to strike out the words "Friday, the 16th," and insert the words "Saturday, the 17th."

Mr. Benedict moved to amend by striking out the words "Friday, the 16th," and insert the words "Tuesday, the 20th."

The President put the question whether the Senate would agree to said motion of Mr. Benedict, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Madden to amend, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Baker	Harrower	O'Brien	Tiemann	Weismann
Chatfield	Lord	Palmer	Wagner	Winslow
Cock	Madden	Perry		

18

FOR THE NEGATIVE.

Adams	Dickinson	Graham	Lewis	Robertson
Benedict	Foster	Johnson	Murphy	D. P. Wood

10

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Johnson	Madden	Perry	Weismann
Cock	Lord	O'Brien	Tiemann	Winslow
Harrower	McGowan	Palmer	Wagner	

14

FOR THE NEGATIVE.

Adams	Bowen	Graham	Murphy	D. P. Wood
Baker	Dickinson	Lewis	Robertson	Woodin
Benedict	Foster	Lowery		

18

By unanimous consent the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Lowery offered the following :

*Whereas*, The amount of taxes necessary to be collected for the Canal Fund increased from \$1,019,265.98 in 1868, to \$3,880,035.93 in 1871 ; and

*Whereas*, The amounts paid superintendents and contractors for repairs increased from \$1,011,056.94 in 1868, to \$2,052,195 82 in 1871 ; and

*Whereas*, The disbursements from the treasury on Auditor's warrants for the fiscal year was \$5,196,895.23, to which add the payments for October, November and December, 1871, \$1,913,340.89, making in fifteen months an expenditure of \$7,110,236.12, with large amounts of claims and certificates of indebtedness outstanding ; and

*Whereas*, The receipts for tolls decreased from \$4,418,309.50 in 1868, to \$2,814,953.79 in 1871, while the per centage of cost of maintenance on tolls received increased from 26.80 per cent to 79.94 per cent ; and

*Whereas*, The surplus of revenues over cost of ordinary repairs and collection of tolls have decreased from \$3,293,301.13 in 1868 to \$592,404.32 in 1871; and

*Whereas*, The amount remaining for ordinary repairs on the eastern division of the canals was \$612,825.46 on October 1, 1871, which amount was expended and the fund overdrawn within three months thereafter; and

*Whereas*, From the foregoing statements it is perfectly apparent that the canals are in a condition of not only absolute bankruptcy, but a source of grave and increasing taxation, and consequently financial injury to the people; therefore,

*Resolved*, That this board respectfully ask of the Legislature a full and searching investigation of the whole question of canal management and finances, to the end that some policy may be adopted by means of which frauds may be prevented, extravagant expenditure stopped, and receipts increased so as in some measure to relieve the people from taxation, restoring the canals to their former position of usefulness and profit to the State and people.

STATE OF NEW YORK, }  
CANAL DEPARTMENT. }

I certify that I have compared the foregoing copy of preambles and resolution adopted by the Canal Board on the 14th day of February, 1872, with the original minutes of the proceedings of said board, on file in this department, and that the same is a true transcript therefrom, and of the whole of said original preambles and resolution.

G. A. DAYTON, *Auditor*.

Mr. Woodin moved that said preambles and resolution be laid on the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the village of Goshen, passed April 18, 1843,' and passed March 26, 1866."

"An act to extend, widen, alter, and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn."

"An act in relation to superintendents of the poor."

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Graham, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Graham, from the same committee, reported in favor of the passage of the last named bill, with amendments.

On motion of Mr. Johnson and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Weismann
Allen	Cock	Johnson	McGowan	Winslow
Ames	Dickinson	Lewis	Robertson	J. Wood
Baker	Foster	Lord	Tiemann	Woodin
Benedict				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Baker moved that the bill entitled "An act amending, revising, and consolidating the several acts in relation to the village of Greenbush, in the county of Rensselaer," be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Safe Deposit and Trust Company of Auburn."

"An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons and State reformatory at Elmira of this State, and to report thereon; and also to suggest such laws, rules, and regulations as they may deem proper for the better regulation and discipline of said prisons to the Comptroller of this State."

"An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled "An act to provide for the incorporation of villages," passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge, and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

After some time spent therein, the President resumed the chair, and Mr. Weismann, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Weismann, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to enable the board of education of the village of Salem to borrow money for school purposes from the Common School Fund, or otherwise, and to provide for the payment thereof, with interest, by tax on said village," reported in favor of the passage of the same, with amendments, and have amended the title thereof so as to read "An act to enable the board of education of the village of Salem to borrow or raise by tax money for school purposes, and to provide for the payment thereof with interest, if borrowed, by tax on said village," which report was agreed to, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



The Assembly returned the bill entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. Madden, the Senate adjourned.

## FRIDAY, FEBRUARY 16, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Osborn.

The journal of yesterday was read and approved.

Mr. D. P. Wood presented the opinion of the general term of the fourth department of the powers of boards of supervisors to fix the salaries of county judges and surrogates, and deciding the law of 1870, conferring that power on such boards of supervisors, if unconstitutional.

Mr. D. P. Wood moved that it be printed and referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Messrs. Chatfield, Lewis, J. Wood, Johnson, Graham and Harrower presented remonstrances against legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.

Mr. Graham presented a remonstrance against placing the Erie Railway under control of a British monopoly; which was read and referred to the committee on railroads.

Mr. Dickinson presented two petitions for repeal of act providing for the draining of lands adjoining Black Lake; which was read and referred to the committee on internal affairs.

Mr. Madden presented a petition of citizens of Newburgh relative to streets; which was read and referred to the committee on the affairs of cities.

Mr. J. Wood presented a petition of president and trustees of village of Geneseo relative to charter; which was read and referred to the committee on the affairs of villages.

Mr. Baker presented a petition of the Sisters of Mercy for appropriation for the House of Protection for destitute children, Greenbush; which was read and referred to the committee on finance.

Mr. Madden presented a petition of firemen of Middletown, against Foreign Insurance Company bill; which was read and referred to the committee on insurance.

Mr. Perry presented a remonstrance against the continued non-enforcement of the eight hour law; which was read and referred to the committee on the judiciary.

Also, a remonstrance against the passage of the act to incorporate the Poughkeepsie Bridge Company; which was read and referred to the committee on commerce and navigation.

Also, a petition of citizens of Brooklyn for an appropriation for

Brooklyn Nursery; which was read and referred to the committee on finance.

Also, a petition of council of vigilance in public affairs in Kings county, for enabling act authorizing a special election of delegates to meet in convention to form a charter for the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer certain powers upon said company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the Harlem and New York Navigation Company to issue bonds, and to mortgage its real estate to secure the payment of the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the petition of Henry E. Pierrepont, et al., praying for the passage of an act authorizing the Governor to request the President of the United States to direct the Bureau of Engineers to revise the pierhead line in New York city, reported a resolution in the words following:

*Resolved* (if the Assembly concur), That the Governor be requested to apply to the President of the United States to appoint three officers in the service of the United States, familiar with harbors, to examine into and revise the exterior pier and bulkhead lines of the harbor of New York, on the Brooklyn side, and report such revised line to the Legislature.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March, 1830, and the act amendatory thereof, passed May 2, 1834," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Woman's Half-Dime Savings Bank of the city of Brooklyn," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Onondaga County Milk Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12th, 1867, passed April 9th, 1870, and to amend section 1 of chapter 594 of the Laws of 1871," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Hospital,'" reported, and ask that they be discharged from the consideration thereof, and that the bill be referred to the committee on charitable and religious societies; which report was agreed to.

Mr. Robertson, from the committee on the judiciary, to which was referred the petition of Wm. I. Peake and the wife of Wm. Hoffman (adjudged to be a lunatic), praying for the discharge of said Hoffman from Ludlow street jail, in the city of New York, reported by bill entitled "An act to discharge Wm. Hoffman from the Debtor's jail, in the city of New York, commonly called the 'Ludlow street jail,' and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law or on any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action existed at the time of the passage of this act," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the village of Goshen, passed April 18, 1843,' and passed March 26, 1866."

"An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

"The committee of conference on the part of the Senate and Assembly, upon the difference between the two Houses upon the bill entitled 'An act to amend chapter 539 of the Laws of 1870, entitled An act in relation to jurors in the city and county of New York,' respectfully report that they have met in conference, when, on motion, it was resolved that the Senate should recede from its amendment to the first section of the bill, so that the said section should read as follows:

"SECTION 1. Section twenty-seven of the act entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," is hereby amended so as to read as follows:

"§ 27. A grand jury may be impaneled in the court of oyer and terminer and another in the court of general sessions, and may meet at and sit during the same time; but whenever either grand jury shall present an indictment against any person for any offense, it shall not be lawful for the other grand jury sitting at the same time to hear or act upon the same matter or make any presentation in relation thereto, so far as it shall relate to the person so presented by the other grand jury."

All of which is respectfully submitted.

THOMAS G. ALVORD,  
H. N. TWOMBLY,  
AUGUSTUS HILL,  
RUSH C. HAWKINS,  
ALBERT L. HAYES,

*Com. on part of Assembly.*

WM. B. WOODIN,  
E. C. BENEDICT,  
DAN'L F. TIEMANN,

*Com. on part of Senate.*

IN ASSEMBLY, *February 14, 1872.*

Report of committee of conference agreed to.

By order.

C. S. UNDERWOOD, *Clerk.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Winslow	
Allen	Chatfield	Lowery	Robertson	D. P. Wood	
Baker	Dickinson	McGowan	Tiemann	J. Wood	
Benedict	Foster	Madden	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message that the Senate have agreed to the report of the committee of conference.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *February 15, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Alvord, and by unanimous consent, the same was amended as follows:

Section 1, line 6, of printed bill, strike out the words "immediately after" and insert the words "on the first day of January succeeding," and in line 7, strike out the word "five" and insert the word "six."

Section 2, line 2, strike out the word "five" and insert the word "six."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	D. P. Wood	
Baker	Foster	McGowan	Robertson	J. Wood	
Chatfield	Graham	Madden	Tiemann	Woodin	
Cock	Harrower	Palmer	Wagner		19

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Madden	Tiemann	J. Wood	
Chatfield	Graham	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Also the following message :

IN ASSEMBLY, *February* 15, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplementary thereto."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Loughran the Assembly non-concurred in the amendments made by the Senate to said bill.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have non-concurred in their amendment.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Madden	Tiemann	
Allen	Cock	Johnson	Palmer	Weismann	
Baker	Dickinson	Lewis	Perry	D. P. Wood	
Benedict	Graham	McGowan	Robertson	Woodin	20

Mr. Madden moved that the Senate recede from its amendment to said entitled bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baker	Graham	Lowery	Robertson	Winslow	
Benedict	Harrower	Madden	Tiemann	D. P. Wood	
Chatfield	Johnson	Palmer	Wagner	J. Wood	
Dickinson	Lord	Perry	Weismann	Woodin	20

## FOR THE NEGATIVE.

Cock

1

*Ordered*, That the Clerk return said bill to the Assembly, with an appropriate message.

The Assembly sent for concurrence a resolution, as follows :

IN ASSEMBLY, *February* 9, 1872.

*Resolved* (if the Senate concur), That joint rule No. 5, is hereby amended by adding at the end thereof the following :

"Every report of a committee of conference shall be read through, in each House, before a vote is taken on the same."

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to incorporate the Grand Commandery of the State of New York,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to provide for the appointment of the captain of the port and harbor masters of the port of New York, and to define and regulate their powers, duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act revising, amending and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to exempt the real estate of the Home for Incurables, Westchester county, from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cock offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, asking for the return of Senate bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" for the purpose of amendment.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize corporations to hold and convey real estate, for business purposes, in other states, with the consent thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Chatfield	Harrower	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, and passed March 26, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	Perry	Weismann
Baker	Foster	McGowan	Robertson	Winslow
Chatfield	Graham	Madden	Tiemann	D. P. Wood
Cock	Harrower	Palmer	Wagner	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Ames	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	Woodin
Chatfield				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Palmer offered the following :

*Resolved,* That the Senate hold an executive session at 1.45 P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The bill entitled "An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Benedict	Harrower	McGowan	Robertson
Allen	Cock	Johnson	Madden	Wagner
Ames	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lowery	Perry	Winslow 20

FOR THE NEGATIVE.

Chatfield	Lord	Tiemann	D. P. Wood	Woodin
Graham	Murphy			7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Baker, from the committee on canals, to which was referred the Assembly bill entitled "An act authorizing the Canal Commissioners of the eastern division to raise a certain road bed in the town of Kingsbury, county of Washington," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to appoint a county assessor in each county of this State.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the city of Rochester to subscribe for stock of the Lake Ontario Shore Railroad Company, from the proceeds of the sale of the Rochester and Genesee Valley Railroad Company's stock owned by said city," reported in favor of the passage of the same.

Mr. Murphy moved to recommit said bill to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to incorporate the German United Evangelical Protestant Synod of the East," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Lowery moved that the bill entitled "An act to regulate the fees of county clerks, except in the city and county of New York, for searching records, and certifying titles of and encumbrances upon real estate, for showing papers on file, and for the indexing, custody and use of such records," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

"An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. McGowan, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The hour of 1.45 p. m. having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened and legislative business resumed.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," with a message that they had passed the same, with the following amendments:

Section 5, line 62, strike out the words "eight hundred" and insert the words "one thousand." Title 7, section 1, line 6, after the word "village" insert the words "and co-ordinate jurisdiction with justices of the peace of the town of Wallkill, in all cases arising within the limits of Orange county."

Section 12, line 5, after the word "law" insert the words "including officers fees." Same section, line 26, strike out the word "justice" and insert the word "fees."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Winslow
Allen	Dickinson	Lord	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	J. Wood
Benedict	Graham	Murphy	Wagner	Woodin
Bowen	Harrower	Palmer	Weismann	

24

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendments.

Mr. Foster, from the committee on railroads, to which was recommit-  
ted the bill entitled "An act to authorize the city of Rochester to sub-  
scribe for the stock of the Lake Ontario Shore Railroad Company, from  
the proceeds of the sale of the Rochester and Genesee Valley Railroad  
Company's stock owned by said city," reported in favor of the passage  
of the same, with amendments.

Mr. Murphy moved to recommit said bill to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto.

"An act in relation to superintendents of the poor."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled as follows:

"An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown, passed March 31, 1866.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons, and State reformatory at Elmira, of this State, and to report thereon, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons, to the Comptroller of this State."

"An act to authorize the Trustees of the Black River Annual Conference to pay and transfer to the Trustees of Central New York Conference certain funds and property."

"An act to incorporate the Safe Deposit and Trust Company of Auburn."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Johnson moved to amend the report as follows :

Section 1. Strike out the word "Comptroller" and insert the word "Governor."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cock	Johnson	Lord	Murphy	Tiemann	5
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FOR THE NEGATIVE.

Adams	Benedict	Lewis	Perry	Winslow	
Allen	Bowen	Lowery	Robertson	J. Wood	
Ames	Dickinson	McGowan	Wagner	Woodin	
Baker	Harrower	Palmer	Weismann		19

Mr. Johnson moved to amend line 2, section 1, by inserting after the word "Commissioners" the words "to be chosen two from the dominant party, and one from the party in the minority."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cock	Johnson	McGowan	Tiemann	Woodin	
Harrower	Lord				7

FOR THE NEGATIVE.

Adams	Benedict	Lewis	Perry	Winslow	
Allen	Bowen	Lowery	Robertson	D. P. Wood	
Ames	Dickinson	Madden	Wagner	J. Wood	
Baker	Foster	Palmer	Weismann		19

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Allen, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The President presented the annual report of the Regents of the University ; which was laid on the table and ordered printed.

(See Doc. No. 32.)

Mr. Benedict offered the following :

*Resolved*, That 1,500 copies of the annual report of the Regents of the University be printed, in the usual form, for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Benedict offered the following :

*Resolved*, That 500 copies of the proceedings of the University Convocation for 1871 be printed, as usual, for the use of the Regents of the University.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Madden, the Senate adjourned.

## SATURDAY, FEBRUARY 17, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Clark.

The journal of yesterday was read and approved.

Mr. D. P. Wood offered the following :

*Resolved*, That Charles R. Dayton be, and he is, hereby appointed Clerk of the Senate, in place of James Terwilliger resigned.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Messrs. Madden and J. Wood presented a remonstrance against legislative interference with the management of Erie Railway Company ; which was read and referred to the committee on railroads.

Mr. Robertson presented a petition of D. O. Bradley and others, for repeal of Erie classification act ; which was read and referred to the committee on railroads.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize John T. Mills and his associates, to use cars in lieu of stages over the route of the Bull's Head stage line, in the city of New York, and to lay down rails and use cars thereon, in certain other streets in connection therewith," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize the transportation of passengers in the city of New York, by means of street railways to be constructed through certain streets and avenues therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act concerning the proof of wills, executors, administrators, guardians, wards and surrogates courts,' passed May 16, 1837, passed May 11, 1869," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the title of citizens of this

State to lands for which they have heretofore taken conveyances from aliens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Stafford Wade, Leverett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town, with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John N. Dunn and Eliphalet J. Swain," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Commissioners on Taxation, reported in favor of the adoption of the following:

*Resolved*, That 2,000 copies of the report of the Commissioners on Taxation be printed for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Perry, from the select committee appointed to investigate the charges against James Terwilliger, late Clerk of the Senate, submitted a report in writing; which was laid on the table and ordered printed.

(See Doc. No. 37.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867."

"An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property."

"An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons, and State reformatory at Elmira, of this State, and to report thereon, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons, to the Comptroller of this State."

The President presented a communication from the Comptroller in reply to a resolution.

*Ordered*, That said communication be laid on the table and printed.

Mr. Tiemann offered the following:

*Resolved*, That 500 extra copies of the report of the Comptroller of the city of New York, relative to the valuation of real estate in said city, etc., be printed for the use of the Senate.



*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to change and define the north line of South street, in the city of Newburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to appoint a county assessor in each of the counties in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the bill entitled "An act to incorporate the Delhi Water-works Company," with a message that they had passed the same with the following amendments:

Section 4, line 1, engrossed bill, strike out the word "concerns" and insert the word "business."

Section 5, line 20, strike out all after the word "by-laws."

Section 9, line 3, after the word "street" insert the words "and at such other places as shall be deemed necessary."

Section 14, strike out all after the word "respectively" on line 4, down to and including the word "in" on line 6.

The President put the question whether the Senate would agree to concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Foster	Lord	Palmer	Winslow
Allen	Harrower	Lowery	Robertson	D. P. Wood
Baker	Johnson	McGowan	Tiemann	J. Wood
Bowen	Lewis	Madden	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, the Assembly bill entitled "An act for the relief of John N. Dunn and Eliphalet J. Swain," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Foster	Lowery	Perry	Winslow
Allen	Harrower	McGowan	Robertson	D. P. Wood
Baker	Johnson	Madden	Tiemann	J. Wood
Benedict	Lewis	Palmer	Weismann	Woodin
Bowen	Lord			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Winslow
Allen	Harrower	Lowery	Robertson	D. P. Wood
Baker	Johnson	McGowan	Tiemann	J. Wood
Bowen	Lewis	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Winslow
Allen	Harrower	McGowan	Robertson	D. P. Wood
Baker	Johnson	Madden	Tiemann	J. Wood
Benedict	Lewis	Palmer	Weismann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Adams moved that the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lord offered the following:

*Whereas*, James Terwilliger, late Clerk of the Senate, in his letter of resignation stated as a reason for the same, that he had received and accepted presents in money from Weed, Parsons & Co., who were largely engaged in printing for the State, and also that the public mind was in a sensitive condition on such subjects, and the Senate unanimously accepted such resignation, believing that the reasons so stated required the same; and

*Whereas*, The President of the United States has received and accepted large presents, under far more obnoxious circumstances, as has been repeatedly alleged and never denied; among others \$30,437.50 in bonds and mortgages; \$55,000 in 7.30 United States bonds, first series, and \$19,837.50 in cash, making in all \$105,000 donated at one time by various individuals, among the most prominent of whom were A. T. Stewart, Moses H. Grinnell, Hamilton Fish, Daniel Butterfield and Thomas Murphy, all of whom, after such donations, were appointed by the President to important and lucrative offices, to wit: Daniel Butterfield sub-treasurer at New York, who held the office until his connection with the transactions known as the "Black Friday swindle" drove him into obscurity. A. T. Stewart was appointed Secretary of the Treasury, in violation of an express law of Congress prohibiting the appointment of importers to that office, and when this transgression was exposed, the President, in his anxiety apparently to repay for gratuities, endeavored to procure a repeal of the Statute prohibiting the appointment, which is

indispensable for the protection of the interests of the government against interested officials. Hamilton Fish was made Secretary of State and still holds that position. Grinnel was appointed Collector of Customs at New York, but was compelled to vacate the position to make a place for a more liberal donor, and Thomas Murphy was appointed, who was retained in the position until compelled by public sentiment to resign; and

*Whereas*, Numerous other instances of large donations in lands, money and other property to the President, followed by official favors granted by him to the donor, have taken place during the past few years; and

*Whereas*, Such practices are corrupt in themselves, demoralizing to public officers and the people, destructive to honest government and public interests, calculated to disgrace us in the eyes of the civilized world, and weaken and destroy the principles of our government; and

*Whereas*, The evils which flow from such corrupt practices can never be effectually remedied by the resignation of comparatively insignificant officers, who have doubtless felt justified in following the example of the highest officials in the government, but public sentiment demands that reform should extend from the highest to the lowest, and commence with the highest; now therefore,

*Resolved*, As the sense of this Senate, already substantially expressed in our acceptance of the resignation of our late Clerk, that the President of the United States ought forthwith resign his office.

Mr. D. P. Wood moved to refer said preamble and resolution to the committee on Indian affairs.

Mr. Lord moved to refer to a select committee.

Mr. Woodin moved to lay upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Johnson moved that the Senate hold an executive session at 12.30 P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871."

"An act supplementary to and amendatory of chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

"An act relating to the settling, signing and sealing of bills of exceptions in criminal cases."

After some time spent therein the President resumed the chair, and Mr. Tiemann, from said committee, reported in favor of the passage of the first named bill, with amendments.

On motion of Mr. Adams, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Palmer	• Weismann	
Allen	Harrower	Lowery	Perry	D. P. Wood	
Baker	Johnson	McGowan	Robertson	J. Wood	
Benedict	Lewis	Madden	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Tiemann, from the same committee, reported in favor of the passage of the second named bill with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Tiemann, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered to a third reading.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend an act entitled 'An act to incorporate the city of Cohoes, passed May 19, 1869, and the act amendatory of the same,' passed May 11, 1871."

Mr. Weismann, from the committee on public health, to which was recommitted the bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled as follows:

"An act to incorporate the Delhi Water-works Company."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Benedict, and by unanimous consent, the Assembly bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Madden	Weismann	
Allen	Foster	Lord	Perry	D. P. Wood	
Baker	Harrower	Lowery	Robertson	J. Wood	
Benedict	Johnson	McGowan	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Allen, the Senate adjourned.

**MONDAY, FEBRUARY 26, 1872—7.30 P. M.**

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The journal of Saturday, February 17, was read and approved.

The President presented the report of New York and New Haven Company in reply to resolution of the Senate; which was laid on the table and ordered printed.

*(See Doc. No. 40.)*

Mr. Bowen presented a remonstrance of firemens' convention of city of Lockport, against repeal of law requiring Foreign Insurance Companies to pay per centage to Firemens' Association; which was read and referred to the committee on insurance.

Mr. McGowan presented a petition of Owen Salisbury for the release to him of the title of the State to certain lands in Herkimer county; which was read and referred to the committee on the judiciary.

Mr. Perry presented a petition of Nathan Willey, and others, for the passage of an act relative to the valuation of Life Insurance Policies; which was read and referred to the committee on insurance.

Also, a petition requesting aid for members of First Regiment New York Mexican volunteers; which was read and referred to the committee on finance.

Also, a petition for an act fixing fees of notaries for protesting commercial paper; which was read and referred to the committee on the judiciary.

Also, a petition in behalf of Mariners' Family Industrial Society of the port of New York; which was read and referred to the committee on charitable and religious societies.

Also, a resolution of the board of common council of the city of Brooklyn, requesting the insertion of the sum of \$500 in the deficiency bill for the purchase of ambulances, etc.; which was read and referred to the committee on finance.

Also, a resolution of the board of supervisors of Kings county, relative to providing additional ferry facilities between New York and Brooklyn; which was read and referred to the committee on commerce and navigation.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act supplementary to and amendatory of chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

A message from His Excellency the Governor was received and read in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, February 26, 1872. }

*To the Senate:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 43, entitled "An act to

amend chapter 156 of the Laws of 1866, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	Perry	D. P. Wood
Bowen	Johnson	McGowan	Robertson	J. Wood
Cock	Lewis	O'Brien	Tiemann	Woodin
Foster	Lord	Palmer	Weismann	19

On motion of Mr. Cock, and by unanimous consent, said bill was amended as follows:

Section 1, line 20, engrossed bill, after the word "meeting" add the following: "and shall also post such notice in three public places therein."

Same section, page 2, line 6, engrossed bill, before the word "clerk" insert the word "village."

Same section, same page, line 8, after the word "give" insert the word "written."

Same section, same page, lines 12 and 13, strike out the word "trustees" and insert the words "county court."

Same section, same page, line 13, after the word "judicious" insert the words "persons as commissioners who shall be."

Same section, same page, line 17, strike out the word "assess" and insert the word "levy."

Same section, same page, line 18, strike out the word "assessors" and insert the word "commissioners."

Same section, same page, line 19, strike out the words "same pay as other assessors receive," and insert the words "sum of three dollars per day when actually engaged in service."

Same section, same page, line 20, strike out the word "assessors" and insert the word "commissioners."

Same section, same page, same line, after the word "furnish" insert the words "to and file."

Same section, same page, line 21, strike out the word "to" and insert the word "with."

Same section, same page, line 26, strike out the words "have an."

Same section, same page, same line, strike out the words "judge if brought" and insert the word "court."

Same section, same page, line 28, strike out the word "judge" and insert the word "court."

Same section, same page, line 29, after the word "unjust" strike out all down to and including the word "order," in line 30.

Same section, same page, line 31, strike out the word "judge" and insert the word "court."

Same section, same page, after the word "damages" strike out the word "they" and insert the words "the trustees."

Same section, same page, at the end of the same line, strike out the word "also."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the



**affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :**

**FOR THE AFFIRMATIVE.**

<b>Adams</b>	<b>Cock</b>	<b>Lord</b>	<b>Palmer</b>	<b>Weismann</b>	
<b>Baker</b>	<b>Foster</b>	<b>Lowery</b>	<b>Perry</b>	<b>D. P. Wood</b>	
<b>Benedict</b>	<b>Graham</b>	<b>McGowan</b>	<b>Robertson</b>	<b>J. Wood</b>	
<b>Chatfield</b>	<b>Johnson</b>	<b>O'Brien</b>	<b>Tiemann</b>	<b>Woodin</b>	<b>20</b>

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York, by widening Nassau street from Fulton street to Ann street in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the relief of the Sackett Street Railroad Company,' passed October 11, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act for the relief of certain religious societies in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to amend an act entitled An act to restrict and equalize certain fees of notaries public,' passed May 16, 1837, passed April 10, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presby-

terian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successors of the said last mentioned corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The bill entitled "An act relating to the settling, signing and sealing of bills of exceptions in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Palmer	Weismann
Baker	Graham	Lowery	Perry	D. P. Wood
Bowen	Johnson	McGowan	Robertson	J. Wood
Cock	Lewis	O'Brien	Tiemann	Woodin
Dickinson				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act supplementary to and amendatory of chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Bowen	Johnson	O'Brien	Tiemann	Woodin
Cock	Lewis	Palmer	Weismann	

19

FOR THE NEGATIVE.

Lord	
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1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to enable the board of education of the village of Salem to borrow or raise, by tax, money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village."

"An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State."

Assembly, "An act to amend an act entitled 'An act to authorize the Watervliet Turupike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of

Albany, to increase the capital stock, and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof."

After some time spent therein the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to and said bill ordered to a third reading.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, Feb. 26, 1872.

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, asking for the return of Assembly bill No. 75, entitled "An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga," passed April 7, 1857, for the purpose of amendment.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5th, 1863."

"An act to enable the electors of the town of Chatham, Columbia county, to vote by districts for town officers, and for other purposes."

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

After some time spent therein the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of said named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, Feb. 26, 1872.

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, asking him to return, for amendment, Assembly bill No. 88, entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the same,'" passed April 5, 1866, and supplemental thereto.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills."

Assembly, "An act to authorize the Harlem and New York Navigation Company to issue bonds and to mortgage its real estate to secure the payment of the same."

Assembly, "An act to incorporate the Onondaga county Milk Association."

After some time spent therein, the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Foster, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Foster, from the same committee, reported in favor of the passage of the last named bill.

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was amended as follows: Insert as section 11 the following:

"§ 11. Such corporation shall possess the powers and be subject to the liabilities prescribed by the third title, of the eighteenth chapter, of the first part of the Revised Statutes.

"Change section 11 to section 12."

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

On motion of Mr. Chatfield, the Senate adjourned.

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## TUESDAY, FEBRUARY 27, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dean.

The journal of yesterday was read and approved.

Messrs. Madden, Harrower, Johnson, Graham and Chatfield presented petitions against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Madden presented two petitions on behalf of the Firemens' Benevolent Association of Newburgh, against the passage of the Foreign Insurance Companies act; which were read and referred to the committee on insurance.

Mr. Lewis presented a petition of citizens of Buffalo for an appropriation for the Home of the Friendless, of Buffalo; which was read and referred to the committee on finance.

Mr. Graham presented four remonstrances against placing the Erie

railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Chatfield presented a petition of the trustees of the high school in the city of Binghamton, for increased aid to Literature Fund; which was read and referred to the committee on literature.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal section 27, of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to enable the board of education of the village of Salem to borrow or raise by tax, money for school purposes, and to provide for the payment thereof with interest, if borrowed, by tax on said village."

"An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow, Elizabeth P. Mills."

"An act to enable the electors of the town of Chatham, Columbia county, to vote by districts for town officers, and for other purposes."

"An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State."

"An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863."

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill entitled "An act to regulate the fees of county clerks."

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to incorporate a railroad company to construct a railroad in the city and town of Oswego in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend chapter 293 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to extend the time for the Citizens' Mutual Gas Light Company of Auburn to commence the transaction of its business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act in relation to the medical laws of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in

the counties of New York and Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act for the improvement of the navigation of the Cayuga and Seneca canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act in relation to the formation of railroad companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act to enable the board of education of the village of Salem to borrow or raise, by tax, money for school purposes, and to provide for the payment thereof with interest, if borrowed, by tax on said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Palmer	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Bowen	Graham	Madden	Tiemann	J. Wood
Chatfield	Johnson	O'Brien	Weismann	Woodin
Cock	Lewis			

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Bowen	Harrower	Madden	Wagner	J. Wood
Chatfield	Johnson	O'Brien	Weismann	Woodin
Dickinson	Lewis	Palmer		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same from and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:



majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Bowen	Graham	McGowan	Wagner	J. Wood
Chatfield	Harrower	Madden	Weismann	Woodin
Cock	Johnson	O'Brien		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Bowen	Harrower	Madden	Tiemann	J. Wood
Chatfield	Johnson	O'Brien	Wagner	Woodin
Cock	Lewis	Palmer		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lowery	Perry	D. P. Wood
Bowen	Graham	McGowan	Robertson	J. Wood
Chatfield	Harrower	Madden	Tiemann	Woodin
Cock	Johnson	O'Brien	Wagner	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Harlem and New York Navigation Company to issue bonds and mortgage its real estate to secure the payment of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baker	Foster	Lewis	Perry	Winslow
Chatfield	Graham	Lowery	Robertson	D. P. Wood
Cock	Harrower	McGowan	Tiemann	J. Wood
Dickinson	Johnson	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Onondaga County Milk Association," having been announced for a third reading.

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was amended as follows:

Section 10, line 4, engrossed bill, after the word "milk" insert the word "impure."

Same section, line 15, after the word "impure" insert the word "diluted."

Mr. D. P. Wood moved to recommit said bill to the committee on Agriculture, with instructions to amend the title by striking out the word "pure."

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the affirmative.

Mr. McGowan, from the committee on agriculture, to which was recommitted the Assembly bill entitled "An act to incorporate the Onondaga County Milk Association," reported the same to the Senate, with an amendment, pursuant to instructions.

On motion of Mr. Bowen, and by unanimous consent, said bill was further amended, as follows:

Section 7, engrossed bill, strike out all after the word "corruption" in line 5.

Section 10, line 8, after the word "fine" insert the words "of said corporation for each offence."

Same section, line 8, strike out all after the word "dollars" down to and including the word "imprisonment," in line 10.

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was further amended as follows:

Section 10, line 8, strike out the word "punished" and insert the word "punishable."

Mr. Tiemann moved to recommit said bill to the committee on agriculture.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Robertson	D. P. Wood
Bowen	Graham	McGowan	Wagner	J. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin
Dickinson	Lewis	Perry	Winslow	19

FOR THE NEGATIVE.

Tiemann	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Robertson offered the following:

*Resolved*, That the Senate hold an executive session this day, at 12 o'clock M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Winslow offered the following :

*Resolved*, That a select committee of nine, consisting of a chairman and in addition one member from each of the judicial districts of the State, be appointed by the Senate, to whom shall be referred the bills on general orders, with power to select therefrom such bills as they may deem proper, and report the same complete. The committee shall hold open meetings at stated hours at some stated place, either in the Senate chamber or a committee room. It shall take no action upon any bill, except at a regular meeting of the committee, and with six members being present. They shall take up the bills in the order in which they stand upon the calendar of general orders ; and in all cases the votes of six members of the committee shall be necessary to report a bill. No bill shall be reported by said committee, making an appropriation from the treasury of the State, or involving any claims against the State, nor any bill relating to city railroads, nor any bill reported for the consideration of the Senate, nor any bill from which a minority of a standing committee has dissented, nor any bill bonding towns for railroad purposes. The committee shall make a list of the bills so taken off by them, which list shall be read by the clerk, and if approved by a majority of all the members of the Senate, the said bills shall be ordered to a third reading. Any bill reported complete may, when a question of agreeing to the report of the committee is taken up, be referred back to the committee of the whole upon the demand of thirteen Senators. The Clerk of the Senate shall act as the clerk of the select committee.

Mr. Winslow moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders ; and, after some time spent therein,

The hour of 12 o'clock having arrived, the Senate went into executive session ; and after some time spent therein, the doors were opened.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of general orders, pending at the time of going into executive session, being the bills entitled as follows :

"An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

"An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town."

Assembly, "An act to authorize the city of Oswego to convey by deed certain land in said city."

After some time spent therein, the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Madden, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Baker introduced a bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the

city of Troy, passed April 12, 1816, and the several acts amendatory thereto; and also to amend other acts relating to the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act in relation to the improvement of streets in the city of New York, between Sixth and Seventh avenues and north of the southerly line of 110th street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend article third of title three of chapter six of part second of the Revised Statutes, relating to the distribution of the personal property of persons dying intestate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Johnson presented a petition of Benjamin Carter and others, for the passagess of a law making appropriation to pay balance of certificates issued for clothing, etc., war 1812; which was read and referred to the committee on finance.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to amend an act to incorporate the village of Goshen," passed April 18, 1843, etc.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Elevated Arched Railway Company, for the purpose of providing rapid transit through the city and county of New York, and to provide for the construction and operation of a railway therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton."

"An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of Academies."

**"An act to incorporate the Safe Deposit and Trust Company, of Auburn."**

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported in favor of the passage of the first named bill, which report was agreed to and said bill ordered to a third reading.

Mr. Winslow, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Winslow, from the same committee, reported in favor of the passage of the last named bill with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

**"An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1862."**

**"An act to repeal section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."**

**"An act to provide for the formation of free public libraries."**

After some time spent therein, the President resumed the chair, and Mr. Lord, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Lord, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *February 27, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled **"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857."**

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. I. D. Brown, and by unanimous consent, the same was amended as follows:

Strike out the word "judge," in line 13, section 1, engrossed bill, and insert in lieu thereof the word "court."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lord	Perry	Winslow
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Madden	Wagner	Woodin

25

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative.

tive, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Bowen	Graham	Lowery	Tiemann	J. Wood
Chatfield	Harrower	McGowan	Wagner	Woodin
Cock	Johnson	Madden	Weismann	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly sent for concurrence the bills entitled as follows :

"An act to authorize the extension of the time for the collection of taxes in the town of Moriah, Essex county," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended and said bill read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lowery	Robertson	D. P. Wood
Bowen	Graham	McGowan	Tiemann	J. Wood
Chatfield	Harrower	Madden	Wagner	Woodin
Cock	Johnson	Palmer	Weismann	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

"An act to extend the time for the collection of taxes in the city of Oswego," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Foster, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lord	Perry	Winslow
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Madden	Wagner	Woodin
				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Madden, the Senate adjourned.



## WEDNESDAY, FEBRUARY 28, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dysart.

The journal of yesterday was read and approved.

The President presented a communication from the New York and Harlem Railroad Company and from the New York Central and Hudson River Railroad Company, in reply to a resolution of the Senate, which was laid on the table and ordered printed.

*(See Docs. Nos. 41 and 42.)*

Messrs. J. Wood, Robertson, Lewis, Graham, Harrower, Chatfield, Bowen and Madden presented petitions against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Benedict presented a petition of citizens of New York in favor of the charter of the "committee of seventy;" which was read and referred to the committee on the affairs of cities.

Mr. Lowery presented a petition of the trustees of Clinton Grammar School for increase of the Literature Fund; which was read and referred to the committee on literature.

Also, a petition of merchants of Utica, for the passage of a railway law to protect the mercantile public; which was read and referred to the committee on railroads.

Mr. Murphy presented a petition of disabled volunteer soldiers for the establishment of a home in the State; which was read and referred to the committee on the militia.

Mr. Wagner presented a petition of Robert G. Ostrander, commissioner of a road district in Hamilton county, for relief; which was read and referred to the committee on roads and bridges.

Mr. J. Wood presented a petition for the passage of a railway law to protect the mercantile public; which was read and referred to the committee on railroads.

Mr. Harrower presented a remonstrance of citizens of Hammondsport, Steuben county, against obstructing the waters of Crooked lake; which was read and referred to the committee on canals.

Mr. Bowen presented a petition of Joseph Pratt and others for exemption from taxation of Holly Lodge No. 42; which was read and referred to the committee on charitable and religious societies.

Mr. Chatfield presented a petition of citizens of Broome county for the passage of an act exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Foster presented three petitions of citizens of Oswego county for the repeal of the Erie classification bill; which were read and referred to the committee on the judiciary.

Mr. Madden presented a petition of citizens of Newburgh for the repeal of the Erie classification act; which was read and referred to the committee on the judiciary.

Mr. Graham, from the committee on internal affairs, to which was

referred the bill entitled "An act relating to the town officers and local government of Newtown, in Queens county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town."

"An act to incorporate the Safe Deposit and Trust Company of Auburn."

"An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of academies."

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

"An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled "An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,"' passed April 16, 1857; passed March 25, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section ten of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other towns to avail themselves of the provisions of this act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house, keeper's dwelling, etc.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair, and maintenance of a pier, for the formation of a harbor at Oswego, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal chapter 337 of the Laws of 1865, entitled "An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbors and bays of Suffolk county," passed April 8, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *February 27, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the same,' passed April 5, 1866, and supplemental thereto."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Loughran, and by unanimous consent, the same was amended as follows:

Insert after the word "bond," in line 2, section 3, engrossed bill, the words "at not less than ninety cents on a dollar."

Also, same section, line 7, after the word "same," insert the words "at not less than ninety cents on a dollar."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	O'Brien	Wagner
Baker	Harrower	McGowan	Perry	Weismann
Bowen	Johnson	Madden	Robertson	Winslow
Chatfield	Lewis	Murphy	Tiemann	Woodin
Cock				

21

FOR THE NEGATIVE.

Dickinson

1

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	Winslow
Chatfield	Harrower	Madden	Tiemann	J. Wood
Cock	Johnson	O'Brien	Wagner	Woodin
Dickinson	Lewis	Palmer		

23

FOR THE NEGATIVE.

Lord

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," with a message that they had passed the same, with the following amendment:

Section 1, line 6, strike out the word "two" and insert in lieu thereof the word "three."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Weismann
Baker	Foster	Lowery	Perry	Winslow
Bowen	Graham	McGowan	Robertson	J. Wood
Chatfield	Harrower	Madden	Tiemann	Woodin
Cock	Lewis	O'Brien	Wagner	

24

FOR THE NEGATIVE.

Johnson

1

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendment.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal section nine of an act entitled 'An act to make further provision for the government of the county of New York,' passed April 26, 1870," reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act relating to courts of record and other courts in the city of New York," and said bill was committed to the committee of the whole.

Mr. Chatfield gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act in relation to abandoned canals, passed April 6, 1857."

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 287, of the Laws of 1871, entitled "An act to amend the laws for the assessment and collection of taxes in cases where farms are divided by county lines," passed April 4, 1871.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled "An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private use," passed March 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to regulate the fees of county clerks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	Perry	Winslow
Bowen	Foster	Lowery	Robertson	D. P. Wood
Chatfield	Graham	McGowan	Tiemann	J. Wood
Cock	Harrower	O'Brien	Weismann	Woodin
				20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Baker	Graham	Lowery	Tiemann	D. P. Wood
Bowen	Harrower	McGowan	Weismann	Woodin
Cock	Johnson	O'Brien		
				18

FOR THE NEGATIVE.

Chatfield				1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Winslow
Baker	Foster	Madden	Robertson	D. P. Wood
Bowen	Graham	Murphy	Tiemann	J. Wood
Chatfield	Harrower	O'Brien	Weismann	Woodin
Cock	Lewis			

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of academies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann
Baker	Dickinson	Johnson	Perry	D. P. Wood
Bowen	Foster	Lewis	Robertson	J. Wood
Chatfield	Graham	Murphy	Tiemann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Safe Deposit and Trust Company of Auburn," having been announced for a third reading,

On motion of Mr. Woodin, and by unanimous consent, the title was amended by adding after the word "Auburn" the words "New York."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Weismann
Baker	Foster	Lowery	Perry	D. P. Wood
Bowen	Graham	McGowan	Tiemann	J. Wood
Chatfield	Harrower	Madden	Wagner	Woodin
Cock	Lewis			

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Oswego to convey by deed certain land in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:



## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Bowen	Graham	McGowan	Wagner	J. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin
Cock	Johnsen	Perry		

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Bowen	Harrower	O'Brien	Wagner	J. Wood
Chatfield	Johnson	Palmer	Weismann	Woodin
Cock	Lewis	Perry		

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz to be applied to the repairs of certain highways in the said town,' passed April 2, 1862," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	D. P. Wood
Baker	Foster	Lewis	Perry	J. Wood
Bowen	Graham	Lowery	Wagner	Woodin
Chatfield	Harrower	McGowan	Weismann	

19

## FOR THE NEGATIVE.

O'Brien	Robertson	Tiemann
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	D. P. Wood

Chatfield  
Cock  
Dickinson

Harrower  
Johnson  
Lewis

O'Brien  
Palmer

Tiemann  
Wagner

J. Wood  
Woodin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen offered the following:

*Resolved*, That 2,000 copies of the second report of the Commissioners to Revise the Laws for the Assessment and Collection of Taxes be printed for the use of the Governor.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Woodin called for the consideration of the concurrent resolution from the Assembly, as follows:

*“Resolved* (if the Senate concur), That joint rule No. 5 is hereby amended by adding at the end thereof the following: ‘Every report of a committee of conference shall be read through before a vote is taken on the same.’”

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message that the Senate have concurred in the passage of the same.

Mr. Madden moved that the bill entitled “An act to authorize the transportation of passengers in the city of New York, by means of street railways, to be constructed through certain streets and avenues therein,” be recommitted to the committee on railroads, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood moved that the Assembly bill entitled “An act to amend chapter 148 of the Laws of 1867, entitled an act to amend an act entitled ‘An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,’ passed April 16, 1857, passed March 25, 1867,” be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled “An act to amend chapter 576 of the Laws of 1870, entitled ‘An act to provide for the introduction of the European system of steam towage upon the canals of this State,’ ” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis moved that said bill be committed to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. J. Wood moved that the bill entitled “An act to provide for the appointment of a reporter of the decisions of the supreme court,” be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled "An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,"' passed April 16, 1857; passed March 25, 1867."

"An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester."

Assembly, "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

After some time spent therein, the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Baker, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act authorizing the Canal Commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington."

"An act to amend an act entitled 'An act to amend an act entitled "An act to revise the charter of the city of Utica,"' passed February 28, 1862; passed February 25, 1870."

"An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867,' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871."

After some time spent therein, the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,' " and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same,"' passed April 2, 1850."

Assembly, "An act to extend, widen, alter, and improve Banker street,

to close a portion of the same, and to improve Union avenue, in the city of Brooklyn."

"An act to authorize John T. Mills and his associates to use cars in lieu of stages over the route of the Bull's Head stage line, in the city of New York, and to lay down rails and use cars thereon in certain streets in connection therewith."

After some time spent therein the President resumed the chair, and Mr. Harrower, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Harrower, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Chatfield, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act in relation to transcripts of judgments of justices of the peace, and the docketing of the same in county clerk's offices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. D. P. Wood, and by unanimous consent, the rules were suspended and the Assembly bill entitled "An act to amend chapter 143 of the Laws of 1867, entitled 'An act to amend an act entitled An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857, passed April 25, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Graham	McGowan	Robertson	Winslow
Baker	Harrower	Madden	Tiemann	D. P. Wood
Chatfield	Johnson	O'Brien	Wagner	J. Wood
Dickinson	Lewis	Perry	Weismann	Woodin
Foster				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bills entitled as follows, with a message that they had concurred in the passage of the same :

"An act to authorize Orson Richards and Eber Richards to construct and maintain a swing bridge over the Glen's Falls feeder, in the village of Sandy Hill."

"An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society."

"An act to establish the tenth ward in the city of Utica."

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Madden, the Senate adjourned.

## THURSDAY, FEBRUARY 29, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dean.

The journal of yesterday was read and approved.

Messrs. Lewis, Chatfield, Harrower and Graham presented petitions against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Graham, presented a remonstrance against placing Erie railway under control of British monopoly; which was read and referred to the committee on railroads.

Mr. Wagner presented three petitions of citizens of Hamilton county in favor of amending law relating to printing of legal notices; which were read and referred to the committee on the judiciary.

Mr. Lowery presented a memorial relating to the act to elevate the standard of medical education; which was read and referred to the committee on public health.

Mr. Robertson presented a petition of Thos. Edwards and others, for exempting from taxation the property of wives of such ministers as have no taxable property; which was read and referred to the committee on the judiciary.

Mr. Bowen presented a petition of business men of Batavia, New York, in favor of a law equalizing charges for freight on railroads; which was read and referred to the committee on railroads.

Mr. Lewis presented a petition of John A. Carr and others, to have time of holding town meetings changed in Erie county; which was read and referred to the committee on internal affairs.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to release the title and interest of the State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza for and during her natural life," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to lay out, open, and grade Bay Ridge avenue in the town of New Utrecht, in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other towns to avail themselves of the provisions of this act," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to facilitate the construction of the New York and Oswego and Midland railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lowery, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1863," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church in the city of New York to certain real estate therein or occupied by it" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Young Men's Christian Association of the town of Utrecht," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act incorporating the Psi Chapter of the Psi Upsilon Fraternity in the village of Clinton, in the county of Oneida, in the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the German United Evangelical Protestant Synod of the East," reported in favor of



the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act for the relief of certain religious societies of the county of Kings," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act to incorporate the Young Men's Christian Association of the city of Schenectady, passed April 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend and in addition to 'An act entitled An act to incorporate the New England Society, in the city of New York,' passed April 15, 1833," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the Society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Hospital,'" reported adversely thereto.

Mr. Palmer moved to lay the question agreeing with report of the committee on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate Smyrna Lodge No. 116, Independent Order of Odd Fellows of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the New Rochelle Mænnerchor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence a resolution, in the words following:

*Resolved* (if the Assembly concur), That 300 copies of the Clerk's Manual be printed, under the direction of the Clerk, with the amended joint and Assembly rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy.

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act making provision for the support of the Albany City Dispensary" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Tienrann asked and obtained leave to introduce a bill entitled "An act to amend the charter of the United States

Life Insurance Company in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act to amend article four, of title one, of chapter eight, of part first, of the Revised Statutes, entitled 'of separations and limited divorces,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to abandoned canals,' passed April 6, 1857, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend chapter 287 of the Laws of 1871, entitled 'An act to amend the laws for the assessment and collection of taxes in cases where farms are divided by county lines,' passed April 4, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend chapter 662 of the Laws of 1870, entitled 'An act to repeal an act to provide for the publication of legal notices in the county of Hamilton,' passed April 19, 1866, also an act amending the same, passed March 26, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend chapter 182 of the Laws of 1846, entitled 'An act to authorize the recording of wills, of real estate, and of exemplifications of judgment, records and decrees in partition suits, and for other purposes,' passed May 11, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act relative to lands devised by David Stanley, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester."

"An act to amend an act entitled 'An act to amend an act entitled An act to revise the charter of the city of Utica,' passed February 28, 1862, passed February 25, 1870."

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the confirmation of the assessment heretofore levied for the improvement of Gowanus canal in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act relative to the examination of candidates for the degree of Doctor of Medicine," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to create a commercial district for the port of New York, and a board of commerce therein, and define its powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baker	Dickinson	Johnson	Robertson	Winslow	
Bowen	Foster	Lowery	Tiemann	D. P. Wood	
Chatfield	Graham	O'Brien	Wagner	J. Wood	
Cock	Harrower	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the Canal Commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	Robertson	Winslow	
Bowen	Graham	Murphy	Tiemann	D. P. Wood	
Chatfield	Harrower	O'Brien	Wagner	J. Wood	
Cock	Lewis	Perry	Weismann	Woodin	
Dickinson	Lord				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to revise the charter of the city of Utica,' passed February 28, 1862, passed February 25, 1870," having been announced for a third reading,

On motion of Mr. Lowery, and by unanimous consent, said bill was amended as follows:

"§ 2. Section forty-three of said act is hereby amended so as to read as follows:

"§ 43. The common council shall, at the first meeting held on or after the second Tuesday in March in each year, designate three newspapers published in the city, two of which shall be published daily, the other shall be printed in German and may be a tri-weekly or daily, in which a copy of the record of its proceedings and all notices and documents required to be published by this act shall be printed for the ensuing year. They shall be called the official newspapers. The compensation for such official newspapers for publishing the record of proceedings shall be

fixed by the common council, and their aggregate compensation for publishing all notices and documents required to be published by this act shall be the compensation allowed by statute, or by the provisions of this act for two newspapers, which amount shall be divided equally between the official newspapers so designated.

The publication in two official newspapers of any notice, proceeding or document required to be published by this act, shall be deemed sufficient publication under the provisions of this act."

Said bill, as amended, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Graham	Lowery	Robertson	Winslow
Cock	Harrower	O'Brien	Tiemann	D. P. Wood
Dickinson	Johnson	Palmer	Wagner	J. Wood
Foster	Lewis	Perry	Weismann	Woodin . 20

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said bill to the Assembly immediately, with a message requesting concurrence therein.

The Assembly bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lord	Tiemann	D. P. Wood
Chatfield	Graham	O'Brien	Wagner	J. Wood
Cock	Harrower	Palmer	Weismann	Woodin 20

FOR THE NEGATIVE.

Johnson	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same,"' passed April 2, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Graham	Lowery	Robertson	Winslow
Cock	Johnson	O'Brien	Tiemann	D. P. Wood
Dickinson	Lewis	Palmer	Wagner	J. Wood
Foster	Lord	Perry	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend, widen, alter, and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lewis	Palmer	Winslow	
Chatfield	Graham	Lowery	Robertson	D. P. Wood	
Cock	Harrower	Murphy	Tiemann	J. Wood	
Dickinson	Johnson	O'Brien	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Lowery moved that the bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," be recommitted to the committee on the affairs of cities, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was determined in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act to incorporate the Walden Savings Bank."

After some time spent therein the President resumed the chair, and Mr. Dickinson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Dickinson, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Dickinson, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Madden moved to disagree with the report, and that said bill be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. O'Brien moved that the bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," be recommitted to the committee on commerce and navigation, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1884."

Assembly, "An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856."

Assembly, "An act to repeal section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act."

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Adams, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson offered the following :

*Resolved*, That the papers on file in the Senate, in regard to the construction of a bridge across the Hudson river at Troy, be taken from the files and referred to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1865."

Assembly, "An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein."

Assembly, "An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other towns to avail themselves of the provisions of this act."

After some time spent therein, the President resumed the chair, and Mr. Chatfield, from said committee, reported in favor of the passage of said named bills, which report was agreed to and said bills ordered to a third reading.

On motion of Mr. Foster, and by unanimous consent, said last named bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Graham	Lord	Perry	Weismann
Allen	Harrower	Lowery	Robertson	Winslow
Chatfield	Johnson	O'Brien	Tiemann	D. P. Wood
Cock	Lewis	Palmer	Wagner	Woodin
Foster				



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the bills entitled as follows:

"An act to extend the time for the collection of taxes in Richmond county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cock, and by unanimous consent, said bill was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Weismann
Allen	Graham	Lowery	Robertson	Winslow
Bowen	Harrower	Madden	Tiemann	D. P. Wood
Chatfield	Johnson	O'Brien	Wagner	Woodin
Cock	Lewis	Palmer		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

"An act to authorize the extension of the time for the collection of taxes in the town of Liberty, Sullivan county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Madden, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	D. P. Wood
Bowen	Graham	Madden	Tiemann	J. Wood
Chatfield	Johnson	O'Brien	Wagner	Woodin
Cock	Lewis	Palmer		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to incorporate the Onondaga County Milk Association."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to authorize the Harlem and New York Navigation Company to issue bonds and mortgage its real estate to secure the payment of the same."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled as follows:

"An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Robertson, the Senate adjourned.

## FRIDAY, MARCH 1, 1872.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dysart.

The journal of yesterday was read and approved.

Messrs. Madden, Wagner, Robertson, Chatfield, Allen, Harrower, Lewis and Johnson, severally, presented remonstrances against the repeal of the classification act and legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Graham presented a remonstrance against placing the Erie railway under control of a British monopoly; which was read and referred to the committee on railroads.

Mr. Madden presented three remonstrances against the act to change the north line of South street, in the city of Newburgh; which were read and referred to the committee on the affairs of cities.

Mr. Dickinson presented two remonstrances against the repeal of the law relative to improving, etc., wet lands about Black lake; which were read and referred to the committee on internal affairs.

Mr. Tiemann presented the memorial of Andrew H. Green, comptroller, in regard to taxes in New York city; which was read and referred to the committee on the affairs of cities.

Mr. Harrower presented a remonstrance of citizens of Hammondsport, against obstructing the waters of Crooked lake; which was read and referred to the committee on canals.

Mr. Baker presented a remonstrance of citizens of Whitehall, against exempting foreign insurance companies from payment of certain percentages; which was read and referred to the committee on insurance.

Mr. Woodin presented a petition of John J. Thomas for an increase of the Literature Fund; which was read and referred to the committee on literature.

Also, a petition of citizens of Cayuga village, for the passage of a law authorizing the election of a police justice; which was read and referred to the committee on the judiciary.

Mr. Weismann presented a petition of Harper & Brothers for the passage of the charter of the city of New York, as passed by the Assembly; which was read and referred to the committee on the affairs of cities.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal an act entitled 'An act to amend the Revised Statutes in relation to the laying out of public roads and of the alteration thereof in the town of Greenburgh, passed April 15, 1854,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county," reported in

favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to exempt the real estate of the Home for Incurables, Westchester county, from taxation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Addison Spring Water Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Bay Ridge Contracting Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act limiting and defining the operation and construction of chapter 724 of the Laws of 1871, entitled 'An act to define the powers of the corporation attorney of the city of New York in suits for fines and penalties,' passed April 26, 1871," reported that they have made some amendments thereto, and have amended the title so as to read as follows: "An act to regulate the places of public amusement in the city of New York," and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the National American University of Music, and other liberal arts, in the city of New York," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York," passed May 8, 1868, reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834."

"An act to incorporate the Walden Savings Bank."

"An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

The Assembly sent for concurrence the following entitled bills:

"An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the location and erection of public buildings for use of the city of Rochester," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend section thirty-three of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend chapter 90 of the Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river and the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act for the further security of creditors of moneyed corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to make provision for the local governments of the city and county of New York for the year 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also to repeal an act entitled "An act to provide for the completion of the court-house for the ninth judicial district of the city of New York, passed February 17, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to incorporate the Union Stock Yard and Market Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Weismann
Baker	Graham	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	D. P. Wood
Chatfield	Johnson	Palmer	Wagner	J. Wood
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Allen	Graham	McGowan	Robertson	Winslow
Baker	Harrower	Madden	Tiemann	D. P. Wood
Bowen	Johnson	Palmer	Wagner	J. Wood
Chatfield	Lewis			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Winslow moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend an act entitled "An act to incorporate the National Trust Company of the city of New York," passed April 19, 1867," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Winslow
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	J. Wood
Bowen	Harrower	Murphy	Weismann	

19

FOR THE NEGATIVE.

Lowery 1

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	Weismann
Baker	Foster	Lewis	Murphy	Winslow
Bowen	Graham	Lord	Tiemann	D. P. Wood
Chatfield				

16

FOR THE NEGATIVE.

Lowery 1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbor and bays of Suffolk county,' passed April 8, 1865," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Perry	Winslow
Allen	Graham	Lord	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Palmer	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act authorizing the town of Little Valley, Cataraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Wagner
Allen	Cock	Johnson	Perry	Weismann
Baker	Foster	Lewis	Robertson	D. P. Wood
Bowen	Graham	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	Perry	Weismann
Allen	Harrower	McGowan	Robertson	Winslow
Baker	Johnson	Murphy	Tiemann	D. P. Wood
Chatfield	Lewis	Palmer	Wagner	Woodin

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Walden Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Tiemann	D. P. Wood
Allen	Graham	Madden	Wagner	J. Wood
Bowen	Harrower	Perry	Weismann	Woodin
Chatfield	Lowery	Robertson	Winslow	

19

FOR THE NEGATIVE.

Johnson				
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1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



Mr. Lowery moved that the Senate hold an executive session this day, at 1 o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson offered the following:

*Whereas*, At the last session of the Legislature, the following amendment to the Constitution was passed in Senate and Assembly, viz:

That section 2 of article 2 of the Constitution of this State be amended so that it shall read as follows:

"§2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and for depriving every person who shall make or become, directly or indirectly, interested in any wager depending upon the result of any election, or who shall pay, give or receive, or promise to pay or give money or other property or valuable consideration, with intent to influence any elector in giving his vote, or to deter any elector from voting, from the right to vote at such election, or from holding any office voted for at such election;" and

*Whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at their next general election of Senators; and

*Whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore

*Resolved* (if the Assembly concur), That the Senate do agree to the proposed amendment.

*Ordered*, That said preamble and resolution be laid on the table.

Mr. Johnson offered the following:

*Resolved*, That the committee on railroads are directed to report to the Senate, within five days, the bill entitled "An act to regulate railroad freights."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. J. Wood offered the following:

*Resolved*, That 2,000 copies of the minority report of the commissioners for the revision of the statutes be printed for the use of the commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Chatfield offered the following:

*Resolved*, That on and after Tuesday next, the Senate hold a session on Tuesday and Thursday evenings of each week, at 7½ o'clock, for the consideration of general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend the charter of the village of Potsdam."

Assembly, "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes."

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to and said bills ordered to a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the last named bill, with amendments.

On motion of Mr. Chatfield, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Perry	Winslow	
Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Bowen	Foster	McGowan	Wagner	J. Wood	
Chatfield	Harrower	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bowen, from the committee on public printing, to which was referred the following resolution: "*Resolved*, That 2,000 copies of the minority report of the commissioners for the revision of the Statutes be printed for the use of the commissioners," reported adversely thereto; which report was agreed to.

Mr. Bowen, from the committee on public printing, to which was referred the following resolution: "*Resolved*, That 500 extra copies of the report of the comptroller of the city of New York, relative to the valuation of real estate in said city, etc., be printed for the use of the Senate," reported adversely thereto; which report was agreed to.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Inspectors of State Prisons, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the annual report of the Inspectors of State Prisons be printed for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the State Treasurer for 1871, reported in favor of the adoption of the following resolution:

*Resolved*, That 2,000 copies of the annual report of the State Treasurer for the year 1871, be printed for the use of the treasurer, 500 copies to be bound in cloth, and 1,500 copies in paper covers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Regents of the University, reported in favor of the adoption of the following resolution:

*Resolved*, That 1,000 copies of the annual report of the Regents of the University be printed in the usual form for the use of the Regents."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the proceedings of the university convocation for 1871, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the proceedings of the university convocation for 1871 be printed for the use of the Regents of the University, and 500 copies for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the following resolution: "*Resolved*, That 500 copies of the annual report of the trustees of the Astor Library be printed for the use of the trustees," reported adversely thereto, which report was agreed to.

The bill entitled "An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons, and State reformatory at Elmira, of this State, and to report thereon, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons, to the Comptroller of this State, which was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	J. Wood
Bowen	Harrower	Madden	Weismann	Woodin
Chatfield	Lewis	Palmer		

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#### FOR THE NEGATIVE.

Johnson	Lord	Murphy	Tiemann
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Madden moved that the bill entitled "An act to authorize John T. Mills and his associates to use cars in lieu of stages over the route of the Bull's Head stage line, in the city of New York, and to lay down rails and use cars thereon in certain streets in connection therewith," be recommended to the committee on railroads, with power to report the same at any time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to divide the county of Sullivan into two school commissioner districts."

Assembly, "An act to legalize the acts of Stafford Wade, Leverett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising

from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same."

"An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Murphy moved that the bill entitled "An act to incorporate the Woman's Half-Dime Savings Bank of the city of Brooklyn," be recommitted to the Senators from the county of Kings.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein,

The hour of 1 o'clock having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of general orders, pending at the time of going into executive session, being the bills entitled as follows:

"An act relating to the town officers and local government of Newtown, in Queens county."

"An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported progress on said named bills, and asked and obtained leave to sit again.

Mr. Perry gave notice that he would, at an early day, ask leave to introduce a bill to provide an armory for the 23d Regiment, National Guard State of New York.

Mr. Lowery offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor requesting him to return Assembly bill No. 128, entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" for the purpose of amending the title thereof.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869."

"An act to amend an act entitled 'An act to amend an act entitled An

act to revise the charter of the city of Utica,' passed February 28, 1862, passed February 25, 1870."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate village of Greenport, Suffolk county.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Allen moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. McGowan moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen  
Dickinson  
Harrower

Lowery  
McGowan

Madden  
Palmer

Robertson  
Tiemann

Weismann  
Woodin

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FOR THE NEGATIVE.

Baker  
Bowen  
Cock

Foster  
Graham  
Johnson

Lewis  
Lord

Perry  
Winslow

D. P. Wood  
J. Wood

12

The Assembly returned the concurrent resolution requesting the Governor to return the Assembly bill relative to the introduction of the European system of steam towage upon the canals, with a message that they had concurred in the passage of the same, without amendment.

*Ordered*, That the Clerk return said resolution to the Assembly.

On motion of Mr. Weismann, the Senate adjourned.

SATURDAY, MARCH 2, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of yesterday was read and approved.

The Clerk announced the following appointments for the session of 1872, to take effect from February 17, 1872.

*Journal Clerk*—W. W. Pierson.

*Deputy Clerks*—William R. Woodin and Z. H. Sloat.

Pages for the second half of the session, in addition to those heretofore appointed, to serve from February 26th: William Glancy, Leopold Stark and George Scholefield.

Messrs. Madden, Allen and Wood presented petitions against the repeal of the Erie classification act; which were read and referred to the committee on railroads.

Mr. Allen presented five remonstrances against placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Robertson presented a petition of Jas. Wood and others for a

registry law for the town of Morrisania; which was read and referred to the committee on the judiciary.

Mr. Dickinson presented two remonstrances relative to the draining, etc., of wet lands adjoining Black lake, in the counties of St. Lawrence and Jefferson; which were read and referred to the committee on the judiciary.

Mr. Palmer presented two petitions of citizens of North East for the exemption from taxation of property of widows of ministers; which were read and referred to the committee on the judiciary.

Also, a petition of citizens of Dutchess county for pro rata freight bill; which was read and referred to the committee on railroads.

The President presented a communication from the Auditor of the Canal Department relative to canal revenues, in reply to resolution of the Senate, which was laid on the table and ordered printed.

*(See Doc. No. 45.)*

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 140 of the Laws of 1850, and chapter 775 of the Laws of 1867, entitled "An act to authorize the formation of railroad companies, and to regulate the same."

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to provide for the liquidation, funding, and payment of the debts of the town of Newtown, in Queens county, as apportioned between Long Island City and the town of Newtown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to prevent the flooding of lands by reason of the construction of the State dam across the Tonawanda creek, at the village of Tonawanda,' passed June 5, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to provide for the government of the police force in the city of Cohoes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to exempt the real estate of the Business Women's Union of the city of Brooklyn from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to divide the twenty-first ward and create a new ward in the city of Brooklyn," which was read the first time, and



by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act entitled "An act to amend and consolidate the several acts in relation to the village of Rhinebeck," passed February 2, 1867;' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages:

The Assembly sent for concurrence the following entitled bill:

"An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the treasurer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *March 2, 1872.* }

*To the Legislature:*

I call your attention to the second section of the act of Congress, passed in 1864 (chapter 210 of the laws of that year), under which an invitation was extended, through the President, to the States of the Union to provide and furnish statues, not exceeding two in number for each State, of deceased persons, who have been citizens thereof and illustrious for their historic renown, or for distinguished civic or military services; which statues are to be placed in a hall in the capitol at Washington, set apart by Congress for the purpose, being the former hall of the House of Representatives. It has only recently been made known to me that this invitation was, in 1864, received from the President. Some of the States have already complied with this request of the federal government; others have made arrangements for doing so; and it seems to me that our own great State ought not to be behind hand in contributing to this proper commemoration, at the federal capitol, of men who have conferred distinction upon our country.

I commend to your consideration the propriety of making immediate provision for the accomplishment, on the part of this State, of its share of the work proposed.

Without wishing to interfere with the discretion of the Legislature in the matter, I respectfully suggest that, in case you decide to furnish the two statues, your choice may, with great propriety, fall upon George Clinton, who was the first Governor of the State, and whose public services in the revolutionary period of our history were of marked merit; and upon Robert Fulton, who, in private station, contributed, in a very eminent degree, as well to the renown as to the prosperity of New York.

JOHN T. HOFFMAN.

Mr. Madden moved that said message be referred to a select committee of three, to be appointed by the President.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Madden, Lewis, and Lord.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 589 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the further security of creditors of moneyed corporations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the petition of James Brown and others praying for the protection of factory children, reported by bill entitled "An act for the protection of factory children," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to regulate railroad freights in the State of New York," reported adversely thereto.

Mr. Lewis moved to lay on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act authorizing the Cattaraugus County Agricultural Society to borrow money, to be used in improving its fair grounds."

The Assembly bill entitled "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Winslow
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Graham	Madden	Tiemann	J. Wood
Benedict	Lewis	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act giving the consent of the State of New York to the purchase by, and ceding jurisdiction to, the United States over certain land on Cumberland head, Clinton county, within this State, to be occupied as site of light-house, keeper's dwelling, etc.," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses in the construction, repair, and maintenance of a pier for the formation of a harbor at Oswego, New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use, and convey certain real estate, and to legalize proceedings relative thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to divide the county of Sullivan into two school commissioner districts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	Winslow	
Baker	Foster	McGowan	Robertson	D. P. Wood	
Benedict	Graham	Madden	Tiemann	J. Wood	
Cock	Lewis	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the acts of Stafford Wade, Leverett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	Winslow	
Baker	Foster	McGowan	Robertson	D. P. Wood	
Benedict	Graham	Madden	Tiemann	J. Wood	
Cock	Lewis	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act authorizing the Cattaraugus County Agricultural Society to borrow money, to be used in improving its fair grounds," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Graham	Madden	Tiemann	Woodin
Cock	Lewis	Palmer	Weismann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the village of Potsdam," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Cock	Lewis	Palmer	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict offered the following :

*Resolved*, That, till otherwise ordered, the Senate will meet on Saturdays at half past ten A. M., and adjourn at twelve, M., till the next Monday evening at half past seven.

Mr. Madden moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord moved that when the Senate adjourn to-day it adjourn to meet on Tuesday evening next at half past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baker	Lord	Palmer	Winslow	Woodin
Cock	Madden	Perry	J. Wood	9

FOR THE NEGATIVE.

Adams	Dickinson	Lewis	Robertson	Weismann
Allen	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham			12

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the powers of notaries public," reported in favor of the passage of the same, with amendments; and have amended the title so as to read as follows: "An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings," and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the German Bricklayers Benevolent Society, No. 30, of the city of New York," reported adversely thereto, which report was agreed to.

Mr. Winslow moved that the bill entitled "An act to amend the act entitled 'An act to authorize the business of banking,'" be recommitted to the committee on banks.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

"An act to provide for the formation of free public libraries."

"An act to repeal section 27 of chapter 721 of the Laws of 1871."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

Mr. Tiemann moved that when the Senate adjourn to-day it adjourn until Monday evening at seven o'clock.

Mr. Lord moved to amend by substituting "Tuesday evening."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Baker	Lewis	Madden	Perry	J. Wood	
Cock	Lord	Palmer	Winslow	Woodin	10

FOR THE NEGATIVE.

Benedict	Foster	McGowan	Tiemann	D. P. Wood	
Dickinson	Graham	Robertson	Weismann		9

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baker	Lewis	Madden	Perry	J. Wood	
Cock	Lord	Palmer	Winslow	Woodin	10

FOR THE NEGATIVE.

Allen	Dickinson	Graham	Robertson	Weismann	
Benedict	Foster	McGowan	Tiemann	D. P. Wood	10

Mr. Allen moved that when the Senate adjourn to-day it adjourn to meet on Monday evening at half past seven P. M.

Mr. Winslow moved to amend by substituting "Tuesday at eleven, A. M."

The President put the question whether the Senate would agree to said motion of Mr. Winslow, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baker	Graham	Madden	Winslow		4
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FOR THE NEGATIVE.

Allen	Dickinson	Lord	Robertson	Weismann	
Benedict	Foster	McGowan	Tiemann	Woodin	
Cock	Lewis	Perry			18

Mr. Perry moved to amend said amendment by substituting "Tuesday at half past seven P. M."

The President put the question whether the Senate would agree to said motion of Mr. Perry, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baker	Graham	Lord	Perry	J. Wood	
Cock	Lewis	Madden	Winslow		9

FOR THE NEGATIVE.

Adams	Dickinson	Palmer	Tiemann	D. P. Wood	
Allen	Foster	Robertson	Weismann	Woodin	
Benedict	McGowan				12

The President then put the question whether the Senate would agree to said motion of Mr. Allen, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Graham	Palmer	J. Wood	
Baker	Dickinson	McGowan	D. P. Wood	Woodin	10

FOR THE NEGATIVE.

Adams	Foster	Madden	Robertson	Weismann	
Benedict	Lord	Perry	Tiemann	Winslow	10

Mr. D. P. Wood moved that when the Senate adjourn to-day it be until Monday evening next at quarter past seven o'clock.

Mr. Winslow moved to amend by substituting "Tuesday at quarter past seven P. M."

The President put the question whether the Senate would agree to said motion of Mr. Winslow, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Graham	Lord	Perry	J. Wood	
Baker	Lewis	Madden	Winslow	Woodin	
Cock					11

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Robertson	Weismann	
Benedict	Foster	Palmer	Tiemann	D. P. Wood	10

The President then put the question whether the Senate would agree to said motion of Mr. D. P. Wood, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Graham	Lord	Perry	J. Wood	
Baker	Lewis	Madden	Winslow	Woodin	
Cock					11

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Robertson	Weismann	
Benedict	Foster	Palmer	Tiemann	D. P. Wood	10

Mr. Winslow moved that the bill entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.



The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the town officers and local government of Newtown, in Queens county."

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

Assembly, "An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled "An act for the protection of purchasers of real estate upon sales by order of surrogates," ' passed April 20, 1869."

After some time spent therein the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage thereof.

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness."

"An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act authorizing the Canal Commissioner of the eastern division to raise a certain road bed in the town of Kingsbury, county of Washington."

On motion of Mr. Winslow, the Senate adjourned.

## TUESDAY, MARCH 5, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of Saturday, March 2, was read and approved.

This being the evening set apart by resolution of the Senate for the consideration of the general orders, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the same, being the bills entitled as follows:

"An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871."

"An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury."

"An act relating to courts of record and other courts in the city and county of New York."

After some time spent therein the President resumed the chair, and Mr. Graham, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Graham, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to amend section 2 of chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to incorporate the Bartlett Elevated Single Track Quick Transit Railway Company, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to incorporate the St. Lawrence Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across bridges over rivers in the town of Brasher, St. Lawrence county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to provide for the repair, improvement construction and protection of bridges on the Cattaraugus Indian Reservation, in the counties of Erie and Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to incorporate the Little Valley Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis presented a petition of R. Hoffeld & Co. and others to regulate freights on railroads; which was read and referred to the committee on railroads.

Also, a petition of T. G. George and others for the passage of a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Also, a petition of T. Stapleton and others against legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.

Also, a petition of Mary R. Stearns and others in behalf of the Ingle-side Home of Buffalo," which was read and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. J. Wood presented a memorial of the local board of the Geneseo Normal School for an appropriation to enlarge the school building; which was read and referred to the committee on finance.

Also, a petition of Thomas S. Cushing and others of Wyoming county for a law to regulate the price of freights on railroads; which was read and referred to the committee on railroads.

On motion of Mr. Madden, the Senate adjourned.

### WEDNESDAY, MARCH 6, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Elliott.

The journal of yesterday was read and approved.

Messrs. Madden, Johnson, Wagner, Graham, Allen, J. Wood, Harrower and Chatfield presented remonstrances against the repeal of the Erie classification act; which were read and referred to the committee on the judiciary.

Messrs. Tiemann, Dickinson, Winslow, Harrower Benedict and Weismann presented petitions in favor of Beach Pneumatic Railway; which were read and referred to the committee on railroads.

Mr. Adams presented a petition of citizens of Albany for the exemption of bonds and mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Dickinson presented four petitions for the repeal of the act passed May 4, 1864, for draining swamp lands in St. Lawrence and Jefferson counties; which were read and referred to the committee on the judiciary.

Mr. Benedict presented a petition for amendments to the law relating to elections; which was read and referred to the committee on the judiciary.

Mr. Wagner presented a petition of citizens of the State of New York for the erection of a store house on section No. 8 of Erie canal; which was read and referred to the committee on canals.

Mr. Murphy presented a petition of citizens of Brooklyn against the passage of the bill for the running of the Sacket street railroad through Union street; which was read and referred to the committee on railroads.

Mr. Cock presented two petitions in behalf of the Pitkin Working and Educational Institution; which were read and referred to the committee on the judiciary.

Mr. Dickinson presented remonstrances against the passage of the bill to amend the charter of the village of Canton, St. Lawrence county; which were read and referred to the committee on the affairs of villages.

Mr. Tiemann presented a petition of the board of managers of the New York Society for the Relief of the Ruptured and Crippled; which was read and referred to the committee on public health.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal an act entitled 'An act

to amend an act entitled "An act to amend and consolidate the several acts in relation to the village of Rhinebeck," passed February 2, 1867 ;' passed April 21, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the twenty-ninth annual report of the State Managers of the State Lunatic Asylum for the year ending 30th November, 1871; which was laid on the table and ordered printed.

(See Doc. No. 46.)

The Assembly sent for concurrence the bill entitled as follows :

"An act to authorize the electors of the town of Lodi, in the county of Seneca, to vote at their annual town meeting for or against levying a tax of one thousand dollars upon the taxable property of said town to secure the use and occupation of a town hall for the public purposes of said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Johnson, and by unanimous consent, the rule was suspended and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Tiemann
Allen	Foster	Lowery	Palmer	Wagner
Baker	Graham	McGowan	Perry	Weismann
Benedict	Harrower	Madden	Robertson	J. Wood
Chatfield	Johnson	Murphy		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871."

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend and supplementary to an act entitled 'An act relative to the widening, straightening, laying out and opening of St. Ann's avenue and Carr avenue, in the town of Morrisania, in the county of Westchester,' passed May 7, 1869, and as amended May 5, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the American Loan and Improvement Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act in relation to the service of notices by publication," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 23, 1867, for the relief of ruptured and crippled in hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes, entitled 'Of Public Instruction,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend chapter 140 of the Laws of 1850, and chapter 775 of the Laws of 1867, entitled 'An act to authorize the formation of railroad companies, and to regulate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act in relation to the highway from the town of Northville to Lake Pleasant, in the county of Hamilton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to provide for the construction and improvement of the road from Piseco lake to Clafin's Tannery, in the county of Hamilton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to criminal courts and police jus-



tices in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the Contracting Board and the system of repairing the canals by contract,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to authorize the surrogates' court of Erie county to appoint auditors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to authorize the Blossburg Coal Company, the successors and assigns of the 'Bloss Coal Mining and Railroad Company,' a corporation organized and existing under the laws of the commonwealth of Pennsylvania, to hold real estate for the purposes of its business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Construction Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish bulkhead and pier lines for the port of New York,' passed April 17, 1857, so far as relates to said lines in front of the town of New Utrecht,"



which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to lay out and open and grade Sixteenth street, in the city of Brooklyn and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to lay out, open, construct and keep in repair Flatbush avenue, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to provide better accommodation for passengers on railroads in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	Winslow
Benedict	Harrower	Madden	Tiemann	J. Wood
Chatfield	Johnson	Murphy	Wagner	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Lewis	O'Brien	Tiemann
Baker	Graham	Lowery	Palmer	Weismann
Chatfield	Harrower	McGowan	Perry	Winslow
Cock	Johnson	Murphy	Robertson	J. Wood
				20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Wagner
Allen	Foster	McGowan	Robertson	Weismann
Baker	Graham	O'Brien	Tiemann	J. Wood
Chatfield	Harrower			

17

FOR THE NEGATIVE.

Cock	Johnson	Murphy	8
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lowery offered the following:

*Resolved*, That there be printed for the use of the Legislature one thousand copies of the annual report of the Canal Commissioners, and one thousand for the use of the Commissioners, five hundred in cloth, and the balance in paper covers.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Palmer called for consideration of the concurrent resolution from the Assembly, as follows:

*Resolved* (if the Senate concur), That five hundred copies of the Clerk's Manual be printed, under the direction of the Clerk, with the amended Joint and Assembly Rules therein, for the use of the Assembly at a price not exceeding one dollar per copy.

Mr. Palmer moved to amend the same by striking out the words "five hundred," and inserting in lieu thereof the words "one hundred and twenty-eight."

Mr. Lewis moved to amend by inserting the words "two hundred" in lieu of the words "one hundred and twenty-eight for the Assembly, and the balance for the Senate."

The President put the question whether the Senate would agree to said motion of Mr. Lewis, and it was decided in the affirmative.

Mr. Madden moved to reconsider the vote upon the amendment of Mr. Lewis.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Palmer, and it was decided in the negative.

Mr. Madden moved to amend the resolution by striking out the words "five hundred," and inserting in lieu thereof the words "one hundred and twenty-eight copies for the use of the Assembly, and thirty-three for the use of the Senate."

The President put the question whether the Senate would agree to said motion of Mr. Madden, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate had concurred in the passage of the same, with amendments.

By unanimous consent, Mr. Dickinson moved that the rules be suspended, and that the executive session be postponed until half past twelve, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the trustees of the Methodist Episcopal Church of Nashville to convey real estate."

"An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

"An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867,' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871."

After some time spent therein, the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the last named bill, with amendments, and have amended the title by adding thereto, "and to further amend chapter 333 of the Laws of 1867," which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the hour of 12 o'clock having arrived, the President resumed the chair, and the Senate went into executive session; after which, the doors were opened, and the Senate again resolved itself into a committee of the whole and resumed the consideration of the bills then pending, as follows:

"An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city."

"An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza for and during her natural life."

"An act relating to courts of record and other courts in the city and county of New York."

After some time spent therein the President resumed the chair, and Mr. Perry, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Perry, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Young Men's Christian Association of the town of New Utrecht."

"An act for the relief of certain religious societies in the county of Kings."

"An act to amend 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' passed April 28, 1871."

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of said named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend the charter of the society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to exempt the real estate of the Home for Incurables, Westchester county, from taxation."

"An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

After some time spent therein, the President resumed the chair, and Mr. J. Wood, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. J. Wood, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Addison Spring Water Company."

"An act to incorporate the Bay Ridge Contracting Company."

"An act for the protection of factory children."

After some time spent therein the President resumed the chair, and Mr. Tiemann, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Tiemann, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company."

"An act supplementary to, and amendatory of, chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code.'"

"An act to incorporate the Moose River Improvement Company."

"An act to release the interest of the people of the State of New York in and to certain lands in Oneida county to George A. Reynolds."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Graham, the Senate adjourned.

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### THURSDAY, MARCH 7, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwynne.

The journal of yesterday was read and approved.

Mr. Murphy presented a petition of builders of Brooklyn for the passage of an act exempting bonds and mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Robertson presented a petition of citizens of Nyack for an act exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Dickinson presented four petitions to provide for the improvement of the hydraulic power of the Little Salmon river; which were read and referred to the committee on internal affairs.

Mr. Lord presented a petition of M. Brayer and others for a bridge across the Erie canal; which was read and referred to the committee on roads and bridges.

Mr. McGowan presented a remonstrance on behalf of the Fireman's Benevolent Association of Little Falls, against the passage of any law exempting foreign insurance companies from the payment of per centage to said association; which was read and referred to the committee on insurance.

Messrs. Allen, Harrower, Graham and Chatfield presented petitions against the repeal of the Erie classification act; which were read and referred to the committee on railroads.

Mr. Tiemann presented a petition of merchants and owners of vessels for the passage of an act to repeal laws on Hell Gate pilots; which was read and referred to the committee on commerce and navigation.

Mr. Perry presented a petition of the Brooklyn Eclectic Dispensary for an appropriation; which was read and referred to the committee on finance.

Mr. Bowen presented a petition for an act incorporating the Batavia Library Association; which was read and referred to the committee on literature.

Mr. Robertson presented a petition for the repeal of chapter 855 of the Laws of 1869, relative to the town of Rye; which was read and referred to the committee on roads and bridges.

Mr. Perry presented a remonstrance against the passage of the bill for the widening of Nassau street, New York; which was read and referred to the committee on the affairs of cities.

The President presented a communication from Montgomery H. Throop and Charles Stebbins, commissioners to revise the statutes, relative to differences existing between the commissioners; which was laid upon the table and ordered printed.

(See Doc. No. 47.)



Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the repair, improvement, construction, and protection of bridges on the Cattaraugus Indian reservation, in the counties of Erie and Cattaraugus," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to protect purchasers on sales of the real estate of infants by special guardian prior to January 1, 1852," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Little Valley Waterworks Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Union Stock Yard and Market Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the better administration of the estates of deceased persons," reported that they have had the same under consideration, and have come to the conclusion to report the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," reported that they have made some amendments thereto, and have amended the title so as to read as follows: "An act to authorize the recorder and city judge to hold sessions of the court of general sessions of the peace in and for the city and county of New York at one and the same time, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, as far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company and the transfer of its stock,"



reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' passed April 28, 1871."

"An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

"An act to amend the charter of the society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to exempt the real estate of the Home for Incurables, Westchester county, from taxation."

"An act to incorporate the Addison Spring Water Company."

"An act to incorporate the Bay Ridge Contracting Company."

"An act relating to the town officers and local government of Newtown, in Queens county."

"An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury."

"An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867,' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871."

"An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza, for and during her natural life."

"An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city."

"An act to incorporate the Young Men's Christian Association of the town of New Utrecht."

"An act for the relief of certain religious societies in the county of Kings."

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs, and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the treasurer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend and supplementary to an act entitled 'An act relative to the widening, straightening, laying out, and opening of St. Ann's avenue and Carr avenue in the town of Morrisania, in the county of Westchester,' passed May 7, 1869, and as amended May 5, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act in relation to Colum-

bis College," with a message that they had passed the same with the following amendment :

Section 1, lines 7 and 8, strike out the words "hereafter acquired," and insert the word "owned."

Mr. Benedict moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion to concur, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Palmer	Weismann
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	J. Wood
Bowen	Harrower	McGowan	Wagner	Woodin
Chatfield				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof," with a message that they had passed the same with the following amendment :

Add, at the end of section 2, the words following: "Provided, however, that nothing herein contained shall affect any actions or proceedings now pending, nor affect the rights of any parties thereto, nor the rights of any town within which any of such parties reside."

The President put the question whether the Senate would agree to concur in said amendment, and it was determined in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	O'Brien	Tiemann
Allen	Cock	Lewery	Palmer	Weismann
Baker	Foster	McGowan	Perry	Winslow
Benedict	Graham	Murphy	Robertson	D. P. Wood
Bowen	Harrower			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *March 6, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of towage upon the canals of this State.'"

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Fort, and by unanimous consent, the same was amended as follows :

Amend the title as follows :

"An act to confer additional powers upon the New York Steam Cable Towing Company, a corporation organized pursuant to the requirements

of chapter 576 of the Laws of 1870, and to authorize said company to issue the preferred stock and bonds therefor."

Also add to the end of the act :

§ 3. This act shall take effect immediately.

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on the final passage of said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	O'Brien	Weismann	
Allen	Chatfield	Lewis	Palmer	Winslow	
Baker	Foster	Lord	Robertson	D. P. Wood	
Benedict	Graham	Lowery	Tiemann	Woodin	20

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Benedict	Harrower	O'Brien	Weismann	Woodin
Chatfield	Lewis			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the concurrent resolution, in the words following: "*Resolved* (if the Senate concur), That five hundred copies of the Clerk's Manual be printed, under the direction of the Clerk, with the amended Joint and Assembly Rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy," with a message that they had non-concurred with the amendments of the Senate thereto, and appointed a committee of conference consisting of Messrs. Husted, Mackay, Smiley, Bennett, and M. M. Tompkins, and request a like committee on the part of the Senate.

Mr. Robertson moved the appointment of a committee of conference on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed as such committee Messrs. Robertson, Lewis, and Cook.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the bills entitled as follows :

"An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the descent of real estate to female citizens of the United States and their descendants, notwithstanding their marriage with aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act relative to the laying out and opening of Madison avenue, north of One Hundred and Twentieth street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings, and prescribing his powers and duties,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Sara-

toga Springs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton, passed May 13, 1845, and the several acts amendatory thereof," passed April 22, 1865, and amended April 6, 1871,"' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to amend an act, passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to provide for a bridge over the Erie canal at Emerson street, in the town of Gates, adjacent to the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to incorporate the Oswegatchie Bridge



Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to confer upon the supreme court jurisdiction in proceedings instituted to permit municipal corporations to aid in the construction of railroads, passed April 2, 1850." which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court house and jail, and to provide for the expenses of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to incorporate the Syracuse Driving Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to amend chapter 114 of the Laws of 1870, entitled 'An act to amend chapter 380 of the Laws of 1868, entitled An act to amend chapter 140 of the Laws of 1853, entitled An act to amend and consolidate the several acts relating to the village of Batavia, to alter the bounds and enlarge the powers of the corporation of said village, and chapter 29 of the Laws of 1866, entitled An act to consolidate and amend the several acts relating to the village of Batavia,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act relating to the town officers and local government of Newtown, in Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Chatfield	Graham	O'Brien	Wagner	Woodin
Cock	Harrower	Perry	Weismann	19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow
Allen	Dickinson	Lord	Robertson	D. P. Wood



Baker	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
Chatfield	Harrower			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the trustees of the Methodist Episcopal church of Northville to convey real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	Woodin
				20

## FOR THE NEGATIVE.

Lewis	J. Wood	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein," passed April 12, 1867 ;' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Murphy	Tiemann	J. Wood
Chatfield	Harrower	O'Brien	Weismann	Woodin
Cock	Johnson	Palmer		23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Robertson	Winslow
Allen	Cock	Johnson	Tiemann	D. P. Wood
Baker	Dickinson	McGowan	Weismann	Woodin
Benedict	Foster	Palmer		18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza, for and during her natural life," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Chatfield	Graham	McGowan	Robertson	Winslow
Cock	Harrower	Murphy	Tiemann	D. P. Wood
Dickinson	Johnson	Palmer	Weismann	Woodin
Foster	Lowery	Perry		18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Young Men's Christian Association of the town of New Utrecht," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Robertson
Allen	Cock	Harrower	McGowan	Weismann
Baker	Dickinson	Johnson	Murphy	Winslow
Benedict	Foster	Lewis	Perry	Woodin
Bowen				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of certain religious societies in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## • FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Palmer	Weismann
Baker	Foster	Lewis	Perry	Winslow
Benedict	Graham	McGowan	Robertson	D. P. Wood
Bowen	Harrower	Murphy	Tiemann	Woodin
Chatfield				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' passed April 28, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Weismann
Allen	Foster	McGowan	Robertson	D. P. Wood
Baker	Harrower	Murphy	Tiemann	Woodin
Bowen	Johnson	Palmer	Wagner	19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the Society of St. John's Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' passed April 12, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Bowen	Harrower	Murphy	Wagner	Woodin
Chatfield	Johnson	Palmer		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to exempt the real estate of the Home for incurables, Westchester county, from taxation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Chatfield	Harrower	Murphy	Wagner	Woodin
Cock	Johnson	Palmer		

28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Palmer	Weismann
Allen	Graham	Madden	Perry	Winslow
Baker	Harrower	Murphy	Robertson	D. P. Wood
Benedict	Johnson	O'Brien	Tiemann	Woodin
Chatfield	Lowery			

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Bay Ridge Contracting Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bowen	Graham	McGowan	Robertson	Winslow
Chatfield	Johnson	Murphy	Tiemann	D. P. Wood
Dickinson	Lewis	Palmer	Weismann	Woodin
Foster	Lowery	Perry		18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Addison Spring Water Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Wagner
Allen	Dickinson	Johnson	Perry	Weismann
Baker	Foster	Lowery	Robertson	Woodin
Chatfield	Graham	McGowan	Tiemann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return to the Senate of Senate bill, being an act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Chatfield moved that when the Senate adjourn to-day it adjourn until to-morrow morning at eleven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act relating to the New York and Long Island Ferry Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lowery offered the following :

*Resolved*, That there be printed of the report of the Managers of the State Lunatic Asylum, at Utica, 5,000 copies ; 2,000 on fine paper for the use of the Managers.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Lewis offered the following :

*Resolved*, That Senators Palmer, Perry, Madden, Ames, Woodin, Bowen, and Cock be, and they hereby are appointed as a committee on the part of the Senate for congressional apportionment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lowery moved to take from the table the resolution adopted by the Canal Board relative to the management of the canals, as follows:

*Whereas*, The amount of taxes necessary to be collected for the Canal Fund increased from \$1,019,265.98 in 1868, to \$3,880,035.93 in 1871; and

*Whereas*, The amounts paid superintendents and contractors for repairs increased from \$1,011,056.94 in 1868, to \$2,052,195.82 in 1871; and

*Whereas*, The disbursements from the treasury on Auditor's warrants for the fiscal year was \$5,196,895.23, to which added the payments for October, November and December, 1871, \$1,913,340.89, making in fifteen months an expenditure of \$7,110,236.12, with large amounts of claims and certificates of indebtedness outstanding; and

*Whereas*, The receipts for tolls, etc., from \$4,418,309.50 in 1868, to \$2,814,953.99 in 1871, while the per centage of cost of maintenance on tolls received increased from 26.80 to 79.94; and

*Whereas*, The surplus of revenues over cost of ordinary repairs and collection of tolls have decreased from \$3,298,301.18 in 1868 to \$592,404.32 in 1871; and

*Whereas*, The amount remaining for ordinary repairs on the eastern division of the canals was \$612,825.46 on October 1, 1871, and which amount was expended and the fund overdrawn within three months thereafter; and

*Whereas*, From the foregoing statements it is perfectly apparent that the canals are in a condition of not only absolute bankruptcy, but a source of grave and increasing taxation, and consequent financial injury to the people; therefore,

*Resolved*, That the board respectfully ask of the Legislature a full and searching investigation of the whole question of canal management and finance, to the end that some policy may be adopted by means of which frauds may be prevented, extraordinary expenditure stopped, and receipts increased so as in some measure to relieve the people from taxation, restoring the canals to their former position of usefulness and profit to the State and people.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Madden moved to refer the same to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to take from the table the question of agreeing to the adverse report of the committee on railroads upon the bill entitled "An act to regulate railroad freights in the State of New York."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Johnson moved to disagree with the report of the committee, and refer to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Johnson	McGowan	Weismann	
Allen	Cock	Lewis	Perry	Winslow	
Benedict	Graham	Lord	Robertson	D. P. Wood	
Bowen	Harrower	Lowery	Tiemann	Woodin	20

**FOR THE NEGATIVE.**

Baker	Foster	Murphy	Wagner	J. Wood	
Dickinson	Madden				7

*Ordered*, That said bill be committed to the committee of the whole.

By unanimous consent, Mr. Madden, from the committee on railroads, to which was recommitted the bill entitled "An act to authorize John T. Mills and his associates to use cars in lieu of stages over the route of the Bull's Head stage line, in the city of New York, and to lay down rails and use cars thereon in certain streets in connection therewith," reported adversely thereto.

Mr. Benedict moved to disagree with the report of the committee, and that the bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Lowery	Winslow	
Benedict	Dickinson	Lewis	McGowan	D. P. Wood	
Bowen	Harrower	Lord	Perry	Woodin	
Chatfield					16

## FOR THE NEGATIVE.

Adams	Madden	Palmer	Tiemann	Weismann	
Foster	Murphy	Robertson	Wagner	J. Wood	10

The Assembly returned the concurrent resolution recalling from the Governor Senate bill No. 107, entitled "An act to incorporate the village of Port Byron, passed May 12, 1869," with a message that they had passed the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars in value."

"An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866."

Assembly, "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871; also, to repeal section twenty-seven of said act."

After some time spent therein, the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the last named bill, with amendments.

Mr. Madden moved to amend the report of the committee of the whole, as follows:

Section 1, strike out all after the word "deer," in line 6, down to and including the word "kill," in line 7, the same having been offered in committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:



Mr. Baker, from the committee on railroads, to which was recommit-  
ted the bill entitled "An act to authorize the transportation of passen-  
gers in the city of New York by means of street railways to be con-  
structed through certain streets and avenues therein," reported in favor  
of the passage of the same, with amendments, and said bill was commit-  
ted to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the  
bill entitled "An act to authorize the comptroller of the city of New  
York to carry into effect certain powers and duties heretofore conferred  
upon the commissioners of the sinking fund of the city of New York,"  
reported in favor of the passage of the same, with amendments, and  
said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was  
referred the bill entitled "An act to provide for the improvement of the  
hydraulic power of the Little Salmon river in Franklin county, and to  
check freshets therein," reported in favor of the passage of the same, and  
said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was  
referred the Assembly bill entitled "An act to repeal chapter 115 of the  
Laws of 1871, and to place proper restrictions on the appropriations and  
expenditures of public money by the board of supervisors of Kings  
county," reported in favor of the passage of the same, and said bill was  
committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was  
referred the Assembly bill entitled "An act to repeal chapter 737 of the  
Laws of 1871, entitled 'An act to provide for the election of an auditor  
for the county of Kings, and prescribing his powers and duties,'" reported  
in favor of the passage of the same, and said bill was committed to the  
committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was  
referred the Assembly bill entitled "An act to authorize the town audi-  
tors of the town of Saratoga Springs to issue bonds for the completion  
of and furnishing the town hall at Saratoga Springs," reported in favor  
of the passage of the same, and said bill was committed to the com-  
mittee of the whole.

Mr. Weismann, from the committee on public health, to which was  
referred the bill entitled "An act relating to the examination of candi-  
dates for the degree of doctor of medicine," reported in favor of the  
passage of the same, and said bill was committed to the committee of  
the whole.

Mr. Wagner, from the committee on railroads, to which was referred  
the bill entitled "An act relative to the Washington Street and State  
Asylum Railroad Company," reported in favor of the passage of the  
same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which  
was referred the bill entitled "An act revising, amending, and consoli-  
dating the charter of, and the several acts relating to, the village of  
Geneseo, in the county of Livingston, modifying the powers of the cor-  
poration and the duties of its officers," reported in favor of the passage  
of the same, with amendments, and said bill was committed to the com-  
mittee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which  
was referred the bill entitled "An act to amend an act entitled 'An act  
to amend an act to incorporate the village of Goshen,' passed April 18,

1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses, passed March 27, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 114 of the Laws of 1870, entitled 'An act to amend chapter 380 of the Laws of 1868, entitled An act to amend chapter 140 of the Laws of 1853, entitled An act to amend and consolidate the several acts relating to the village of Batavia, to alter the bounds and enlarge the powers of the corporation of said village;' and chapter 29 of the Laws of 1866 entitled 'An act to consolidate and amend the several acts relating to the village of Batavia,' passed April 27, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for the liquidation, funding, and payment of the debts of the town of Newtown, in Queens county, as apportioned between Long Island City and the town of Newtown," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act passed April 9, 1867, entitled 'An act to consolidate the several acts relating to the village of Hornellsville,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton," passed May 13, 1845, and the several acts amendatory thereof, passed April 22, 1865, and amended April 6, 1871,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin, chapter 413, Laws of 1869, and an act amendatory thereof,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers, and duties," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on public health, to which was referred the bill entitled "An act in relation to medical laws of this State," reported that they have had the same under consideration, and ask to be discharged from the further consideration of the same, and that

it be referred to the committee on the judiciary; which report was agreed to.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisborough, Poundridge, and Rye, in the county of Westchester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Greenpoint, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate and fix the compensation of the special county judge and special surrogate of the county of Chautauqua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the service of notices by publication," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act relative to sheriffs' certificates upon the sale of real estate, passed March 2, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York, and to repeal chapter 572 of the Laws of 1871, entitled 'An act to amend an act entitled An

act in relation to elections in the city and county of New York,' passed April 19, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," reported that they have had the same under consideration, have made amendments thereto, and have amended the title so as to read as follows: "An act to amend chapter 360 of the Laws of 1871, entitled an act to amend 'An act entitled "An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black Lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh," passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act changing the name of John McDonald to the name of John Leonard," reported adversely thereto; which report was agreed to.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents."

"An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866."

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads," passed May 7, 1847, and the acts amendatory thereof,' passed April 14, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to highway taxes upon certain lands in the counties of Hamilton and Warren," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Canal Commissioners, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the use of the Legislature 1,000

it be referred to the committee on the judiciary; which report was agreed to.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisborough, Poundridge, and Rye, in the county of Westchester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Greenpoint, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate and fix the compensation of the special county judge and special surrogate of the county of Chautauqua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the service of notices by publication," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act relative to sheriffs' certificates upon the sale of real estate, passed March 2, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York, and to repeal chapter 572 of the Laws of 1871, entitled 'An act to amend an act entitled An



act in relation to elections in the city and county of New York,' passed April 19, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," reported that they have had the same under consideration, have made amendments thereto, and have amended the title so as to read as follows: "An act to amend chapter 360 of the Laws of 1871, entitled an act to amend 'An act entitled "An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black Lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act changing the name of John McDonald to the name of John Leonard," reported adversely thereto; which report was agreed to.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents."

"An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866."

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads," passed May 7, 1847, and the acts amendatory thereof,' passed April 14, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to highway taxes upon certain lands in the counties of Hamilton and Warren," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Canal Commissioners, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the use of the Legislature 1,000



copies of the annual report of the Canal Commissioners, and 1,000 for the use of the commissioners, 500 in cloth and the balance in paper covers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act in relation to the formation of railroad companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to incorporate the Proprietors of the Albany Pier, and to provide for their powers and duties," reported adversely thereto.

Mr. Madden moved to lay the question of agreeing to the report upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Foster, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the communication from the commissioners to revise the statutes, and the matters therein referred to, be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the circuit courts and courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh, and eighth judicial districts,' " with a message that they had concurred in the passage of the same, with the following amendment:

Amend the title so as to read:

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh, and eighth judicial districts, and also to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.'"

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Baker	Dickinson	Lewis	Perry	D. P. Wood
Benedict	Foster	Lord	Wagner	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
Chatfield				

21

FOR THE NEGATIVE.

O'Brien	Tiemann
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly sent for concurrence resolutions, in the words following:

*Resolved* (if the Senate concur), That section 6 of article 3 of the Constitution of this State be amended so as to read as follows:

SECTION 6. The members of the Legislature shall each receive an annual salary of one thousand dollars, and ten cents for every mile they shall travel in once going to and returning from their place of meeting, by the most usual route. The Speaker of the Assembly shall receive an additional salary of five hundred dollars; but the Legislature shall provide, by law, for a deduction from the salary of members for non-attendance.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

By unanimous consent the rule was suspended, and Mr. Palmer moved that the resolutions be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to challenges of jurors in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretzel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles

Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to the execution of conveyances by married women," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of Carthage," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to amend the several acts in relation thereto,' passed March 26, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	O'Brien	Wagner
Baker	Dickinson	Lowery	Perry	Weismann
Bowen	Graham	Madden	Robertson	D. P. Wood
Chatfield	Lewis	Murphy	Tiemann	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Weismann
Baker	Dickinson	Lewis	Perry	Winslow
Benedict	Foster	McGowan	Robertson	D. P. Wood
Chatfield	Harrower	Murphy	Wagner	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars in value," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Baker	Dickinson	McGowan	Perry	D. P. Wood
Benedict	Foster	Murphy	Robertson	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds, and fish,' passed April 26, 1871; also, to repeal section twenty-seven of said act," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Weismann
Benedict	Foster	Lord	O'Brien	D. P. Wood
Chatfield	Graham	Lowery	Perry	J. Wood
Cock	Johnson	McGowan	Robertson	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. D. P. Wood moved that the Senate hold an executive session at one o'clock to-day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict, from the committee on literature, to which was recommended the bill entitled "An act to incorporate the Batavia Library Association and appropriating certain money thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the trustees of Unadilla academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale," reported adversely thereto; which report was agreed to.

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the superintendents of the fair ground of the town of Oswegatchie, passed April

15, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, "An act to authorize the formation of corporations for manufacturing, mining, mechanical chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes."

"An act to amend an act entitled 'An act to incorporate the Portchester Savings Bank,' passed March 14, 1865."

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Palmer, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that the bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lewis moved that the Assembly bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Cock moved that the Assembly bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements."

Assembly, "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds."

Assembly, "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part

of said town, and for the apportionment of the town property and town debts."

After some time spent therein the President resumed the chair, and Mr. D. P. Wool, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. D. P. Wood, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bill ordered to a third reading.

Mr. Bowen moved that the bill entitled "An act to incorporate the Batavia Library Association and appropriating certain money thereto," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the bill entitled "An act for the further security of creditors of moneyed corporations," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act for the further security of creditors of moneyed corporations."

"An act relating to courts of record, and other courts, in the city and county of New York."

"An act to incorporate the Batavia Library Association, and appropriating certain money thereto."

After some time spent therein, the President resumed the chair, and Mr. Murphy, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Murphy, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Murphy, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein,

The hour of 1 o'clock having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of general orders, pending at the time of going into executive session, being the bills entitled as follows :

"An act to facilitate the construction of the New York and Oswego Midland railroad."



Assembly, "An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument."

"An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported progress on the first and second named bills, and asked leave to sit again.

Mr. Madden moved that the committee be discharged from the further consideration of the first named bill, and that the same be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	O'Brien	Weismann	
Baker	Lewis	McGowan	Perry	Winslow	
Foster	Lord	Madden	Robertson	J. Wood	15

FOR THE NEGATIVE.

Benedict	Johnson	D. P. Wood	Woodin	4
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The President then put the question whether the Senate would agree to grant leave to said committee to sit again on the second named bill, and it was decided in the affirmative.

Mr. Allen, from said committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. O'Brien offered the following: *Resolved*, That the Senate bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company and the transfer of its stock," be made the special order for Wednesday next, immediately after reading the journal.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Baker, the Senate adjourned.

SATURDAY, MARCH 9, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Messrs. Harrower, Madden, J. Wood, Allen, and Graham presented petitions against the repeal of the Erie classification act ; which were read and committed to the committee of the whole.

Mr. Robertson presented a petition of citizens of Westchester county for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Johnson presented a petition of citizens of Seneca county for a law regulating freights on railroads; which was read and committed to the committee of the whole.

Mr. Perry presented ten petitions for reduced rates of ferriage between Brooklyn, eastern district, and the city of New York; which were read and referred to the committee on commerce and navigation.

Mr. Benedict presented a petition of the American Female Guardian Society for aid; which was read and referred to the committee on charitable and religious societies.

Mr. Woodin presented a petition of the city of Auburn for a charter for a city hospital; which was read and referred to the committee on the affairs of cities.

Mr. McGowan presented two petitions of citizens of Otsego county for an amendment of the Mechanics' lien law; which were read and referred to the committee on the judiciary.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the various towns throughout the State which shall have an excess of money accruing from the excise law to expend the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing the interest of the State in certain lands of which Hannah Jane Butcher died possessed to William Butcher, her surviving husband," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the descent of real estate to female citizens of the United States and their descendants notwithstanding their marriage with aliens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized, in the town of Canandaigua, county of Ontario," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to courts of record, and other courts, in the city and county of New York."

"An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements."

"An act to incorporate the Batavia Library Association, and appropriating certain money thereto."

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of United States Life Insurance Company of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry presented the annual report of the directors of the Brooklyn Institute; which was laid on the table and ordered printed,

*(See Doc. No. 50.)*

The Assembly sent for concurrence the following entitled bills:

"An act to incorporate the city of Kingston," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Citizens' Plate Glass Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation."

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act

to provide for the introduction of the European system of steam towage upon the canals of this State.' ”

The Assembly returned the bills entitled as follows:

“An act to amend an act entitled ‘An act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms of the supreme court in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.’ ”

“An act to amend an act entitled ‘An act to amend an act entitled An act to incorporate the village of Port Byron,’ passed May 12, 1869.”

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled “An act to amend an act for the laying out, opening, and closing of streets, roads, and avenues in the town of Morrisania, passed May 19, 1868,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled “An act in relation to the Brooklyn City and Newtown Railroad Company,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled “An act to incorporate the Long Island City and Maspeth Railway Company,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled “An act to enable Long Island City to raise money for the maintenance of prisoners and for health purposes,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled “An act to encourage steam towage in the canals of this State,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Perry moved that the Assembly bill entitled “An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn,” be recommitted to the Senators from the county of Kings.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled “An act to incorporate the Auburn city hospital,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill entitled “An act to amend an act entitled ‘An act to incorporate the Portchester Savings Bank,’ passed March 14, 1865,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weismann
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	Woodin
Benedict	Graham	Madden		

18

## FOR THE NEGATIVE.

Johnson J. Wood

2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Baker moved that the Assembly bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," be recommitted to the committee on 'charitable and religious societies, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Perry	D. P. Wood
Allen	Foster	Lowery	Robertson	J. Wood
Baker	Graham	McGowan	Weismann	Woodin
Benedict	Harrower	Madden		

18

## FOR THE NEGATIVE.

Tiemann

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weismann
Allen	Cock	Johnson	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Graham	McGowan	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Weismann	
Allen	Cock	Johnson	Perry	D. P. Wood	
Baker	Foster	Lord	Robertson	J. Wood	
Benedict	Graham	Lewery	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Tiemann moved that the bill entitled "An act relating to courts of record, and other courts, in the city and county of New York," be recommitted to the committee on the judiciary, retaining its place on third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act making provisions for the support of the Albany City Dispensary," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Tiemann	
Allen	Foster	Lord	Palmer	Weismann	
Baker	Graham	Lowery	Perry	D. P. Wood	
Benedict	Harrower	McGowan	Robertson	J. Wood	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Benedict moved that the bill entitled "An act to authorize the recorder and city judge to hold sessions of the court of general sessions of the peace in and for the city and county of New York at one and the same time, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," be recommitted to the committee on the judiciary, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act supplemental to, and amendatory of, chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages, and merchandise in the cities of New York and Brooklyn and across the North and East rivers by means of pneu-



matic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled, 'An act supplementary to chapter 842 of the Laws of 1868 in relation to carrying letters, packages, and merchandise by means of pneumatic tubes in New York and Brooklyn,' and to provide for the transportation of passengers in said tubes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1851, so far as relates to the town of Westchester, in the county of Westchester."

"An act to amend 'An act to provide for the incorporation of religious societies,' passed April 5, 1813."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from the same committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Benedict moved that said bill, as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the same committee, reported in favor of the passage of the second named bill, with amendments, and the title amended so as to read as follows: "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill.

Mr. Bowen moved to disagree with the report of the committee, and that the bill be recommitted to the committee on charitable and religious societies.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker, from the committee on charitable and religious societies, to which was recommitted the Assembly bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden moved that the bill reported above be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Graham moved that when the Senate adjourn to-day it adjourn to meet on Monday evening next, at 7½ o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act concerning the proof of wills, executors and administrators, guardians and wards and surrogate's courts,' passed May 16, 1837, passed May 11, 1869."

"An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens."

Assembly, "An act in relation to trustees and directors of charitable and benevolent institutions."

After some time spent therein the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Madden, and by unanimous consent, the rule was suspended and said bill was ordered to be now read the third time.

Said bill having been announced for a third reading,

By unanimous consent, on motion of Mr. Benedict, the same was amended by striking out the second section thereof.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Weismann	Woodin
Cock	Johnson	Perry		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Johnson moved to lay the present order of business upon the table, for the purpose of considering the order of business of "motions and resolutions."

Mr. Madden moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Madden	Robertson	Weismann	5
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FOR THE NEGATIVE.

Allen	Harrower	McGowan	Tiemann	J. Wood
Bowen	Johnson	Perry	D. P. Wood	Woodin
Cock	Lowery			

12

The President then put the question whether the Senate would agree to said motion of Mr. Johnson, and it was decided in the affirmative.

Mr. Johnson offered the following:

*Resolved*, That Senate bill No. 187, entitled "An act to regulate railroad freights in the State of New York," be made a special order for Thursday next, immediately after the reading of the journal.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Madden, the Senate adjourned.

## MONDAY, MARCH 11, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Harrower.

The journal of Saturday was read and approved.

The President presented a memorial of the Chamber of Commerce relative to the exempting from taxation bonds and mortgages and liens upon real estate; which was read and referred to the committee on the judiciary, and ordered printed.

(See Doc. No. 51.)

Mr. Graham offered the following:

*Resolved*, That Senate bill No. 122, entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869," be recommitted to the committee on literature, retaining its place on the general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair and maintenance of a pier, for the formation of a harbor, at Oswego, New York."

Assembly, "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county."

After some time spent therein, the President resumed the chair, and Mr. J. Wood, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. J. Wood, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. J. Wood, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the repair, improvement, construction and protection of bridges on the Cattaraugus Indian Reservation, in the counties of Erie and Cattaraugus."

Assembly, "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto."

"An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings."

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Benedict, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Benedict, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Little Valley Water-works Company."

"An act to protect purchasers on sales of real estate of infants by special guardian, prior to January 1, 1852."

"An act to alter the map or plan of the city of New York."

After some time spent therein the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Foster, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act releasing the interests of the State in certain lands of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband."

Assembly, "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner."

"An act to incorporate the Union Stock Yard and Market Company."

After some time spent therein, the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Chatfield, the Senate adjourned.

## TUESDAY, MARCH 12, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Grant.

The journal of yesterday was read and approved.

Messrs. Allen, Bowen and Madden presented remonstrances against the repeal of the Erie classification act; which was read and referred to the committee on railroads.

Mr. Lowery presented a petition of electors of Boonville to raise money to improve highways; which was read and referred to the committee on the judiciary.

Mr. Robertson presented a petition of citizens of Westchester county for the passage of a law requiring the New York and New Haven Railroad Company to furnish suitable accommodation for passengers; which was read and referred to the committee on railroads.

Mr. Harrower presented a petition of merchants of Wellsburgh in regard to local freights; which was read and referred to the committee on railroads.

Mr. Palmer presented a petition of citizens of Dutchess county for local prohibition and Ohio law; which was read and referred to the committee on internal affairs.

Mr. Tiemann presented a petition of president Barnard and others, for a separate health department in the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Benedict presented a petition of the Woman's Hospital of the State of New York for aid; which was read and referred to the committee on finance.

Mr. Harrower presented a remonstrance of citizens of Steuben and Yates counties against legislation in favor of obstructing the waters of Crooked Lake; which was read and referred to the committee on canals.

Mr. Bowen presented a remonstrance of firemen of Batavia against exempting foreign insurance companies from paying a percentage to Firemen's Benevolent Associations in this State; which was read and referred to the committee on insurance.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the town of Westchester, in the county of Westchester."

"An act to amend an act entitled 'An act to amend an act entitled 'An act concerning the proof of wills, executors and administrators, guardians and wards and surrogates' courts,' passed May 16, 1837, passed May 11, 1869.'"

"An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens."

"An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county."

"An act to provide for the repair, improvement, construction, and protection of bridges on the Cattaraugus Indian reservation, in the counties of Erie and Cattaraugus."

"An act to alter the map or plan of the city of New York."

"An act to protect purchasers on sales of real estate of infants by special guardian prior to January 1, 1852."

"An act to incorporate the Little Valley Water-works Company."

"An act to incorporate the Union Stock Yard and Market Company."

The President presented a communication from the comptroller of the city of New York relative to amounts paid to benevolent and charitable institutions in reply to a resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 53.)

Mr. Madden gave notice that he would, at an early day, ask leave to introduce a bill for the better preservation of horse records.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several orphan asylums in this State other than the city of New York,' passed April 10, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Weismann, from the committee on public health, to which was referred the Assembly bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 917 of the Laws of 1869, authorizing the consolidation of certain railroad companies," reported in favor of the passage of the same, with amendments, and have amended



the title so as to read as follows: "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other railroads," and said bill was committed to the committee of the whole.

The bill entitled "An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Weismann
Allen	Cock	Madden	Robertson	D. P. Wood
Baker	Foster	O'Brien	Tiemann	J. Wood
Benedict	Harrower	Palmer	Wagner	Woodin
Bowen	Johnson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Harrower	O'Brien	Tiemann	J. Wood
Bowen	Johnson	Palmer	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled "An act concerning the proof of wills, executors and administrators, guardians and wards and surrogates' courts," passed May 16, 1837;," passed May 11, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Weismann
Allen	Dickinson	Lord	Palmer	D. P. Wood
Benedict	Foster	Lowery	Robertson	J. Wood
Bowen	Harrower	Madden	Tiemann	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the construction of the New York and Oswego Midland railroad" having been announced for a third reading,

Mr. Johnson moved to recommit the bill to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State to be occupied as a site for offices and storehouses in the construction, repair, and maintenance of a pier for the formation of a harbor at Oswego, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	D. P. Wood
Benedict	Foster	Madden	Robertson	J. Wood
Bowen	Harrower	O'Brien	Tiemann	Woodin
Chatfield	Johnson			

22

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate had concurred in the passage of the same, with amendments.

The bill entitled "An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Bowen	Foster	Palmer	Wagner
Allen	Chatfield	Harrower	Perry	Weismann
Baker	Cock	Lowery	Robertson	J. Wood
Benedict	Dickinson	O'Brien	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Batavia Library Association and appropriating certain money thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Johnson	Palmer	Wagner
Allen	Cock	Lord	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	O'Brien	Tiemann	J. Wood
Bowen	Harrower			

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the repair, improvement, con-

struction and protection of bridges on the Cattaraugus Indian reservations, in the counties of Erie and Cattaraugus," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Cock	Lord	Perry	D. P. Wood
Baker	Dickinson	Lowery	Robertson	J. Wood
Benedict	Foster	O'Brien	Tiemann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use, and convey certain real estate, and to legalize proceedings relative thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	O'Brien	Tiemann	J. Wood
Bowen	Foster	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to protect purchasers on sales of real estate of infants by special guardian prior to January 1, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	O'Brien	Tiemann	J. Wood
Benedict	Foster	Palmer	Wagner	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Little Valley Waterworks Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	O'Brien	Tiemann	J. Wood
Benedict	Foster	Palmer	Wagner	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to alter the map or plan of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Perry	Weismann
Baker	Cock	Lord	Robertson	D. P. Wood
Benedict	Dickinson	O'Brien	Tiemann	J. Wood
Bowen	Foster	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act releasing the interests of the State in certain lands of which Hannah Jane Butcher died possessed to William Butcher, her surviving husband," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Robertson	Winslow
Allen	Cock	Lord	Tiemann	D. P. Wood
Baker	Dickinson	O'Brien	Wagner	J. Wood
Benedict	Foster	Palmer	Weismann	Woodin
Bowen	Harrower	Perry		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Johnson	Robertson	D. P. Wood
Baker	Dickinson	O'Brien	Tiemann	J. Wood
Benedict	Foster	Palmer	Wagner	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Chatfield offered the following :

*Resolved*, That the sympathy of the Senate be, and is hereby extended to Senator Lewis, who is detained at home on account of the death of a daughter.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Chatfield offered the following :

*Whereas*, The desired object in relation to the Erie railroad having been obtained without legislative interference, therefore

*Resolved*, That the special order on that subject for Wednesday next be, and is hereby indefinitely postponed.

*Ordered*, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly, "An act in relation to the law of limited partnership."

Assembly, "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855."

"An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York, passed February 27, 1871 ; and also an act entitled An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill.

Mr. Lord moved to disagree with the report of the committee of the whole, and that the said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Cock	Johnson	Lord	Tiemann	5
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FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Perry	D. P. Wood	
Allen	Dickinson	Madden	Robertson	J. Wood	
Baker	Foster	O'Brien	Weismann	Woodin	
Bowen	Harrower	Palmer			18

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the auditors of the canal department upon the treasury."

"An act to regulate places of public amusement in the city of New York."

"An act to provide for the better administration of the estates of deceased persons."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Dickinson, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendment of the Senate thereto :

"An act in relation to trustees and directors of charitable and benevolent institutions."

*Ordered*, That the Clerk return said bills to the Assembly.

On motion of Mr. Cock, the Senate took a recess until 7½ o'clock P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Greenpoint, in the city of Brooklyn."

"An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties.

After some time spent therein, the President resumed the chair, and Mr. Chatfield, from said committee, reported progress on said named bills, and asked and obtained leave to sit again.

The Assembly sent for concurrence the bill entitled as follows :

"An act to authorize the extension of the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. D. P. Wood, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

### FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Perry	Winslow	
Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Benedict	Foster	McGowan	Tiemann	J. Wood	
Bowen	Harrower	O'Brien	Weismann	Woodin	20



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act entitled 'An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized, in the town of Canandaigua, county of Ontario.'"

"An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings."

"An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict presented a remonstrance against the widening of Nassau street in the city of New York; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,'" reported in favor of the passage of the same, with amendments, and have amended the title so as to read as follows : "An act to provide for the government of the city of Brooklyn," and said bill was committed to the committee of the whole.

Mr. Madden moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Madden moved that the present order of business be suspended.

Pending which,

On motion of Mr. Allen, the Senate adjourned.

## WEDNESDAY, MARCH 13, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Harrower.

The journal of yesterday was read and approved.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock."

And after some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair and announced executive session.

Mr. D. P. Wood moved that the executive session be postponed until to-morrow at twelve, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock."

After some time spent therein, the President resumed the chair, and Mr. Murphy, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to.

Mr. D. P. Wood moved to amend the report of the committee of the whole by inserting the following as section 9, the same having been offered in the committee of the whole :

§ 9. It shall not be lawful hereafter for said Erie Railway Company to demand or receive any greater rate of charge for the transportation of passengers or freight upon or over the road or roads of said company than was charged and received by said company in the year 1871, at any of the stations on the line of the road and branches operated by said company.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	McGowan	D. P. Wood
Benedict	Graham	Lord	Madden	Woodin
Bowen	Harrower	Lowery	Tiemann	

## FOR THE NEGATIVE.

Adams	Dickinson	O'Brien	Robertson	Weismann
Baker	Foster	Palmer	Wagner	Winslow
Cock	Murphy	Perry		

13

Mr. Madden moved to amend by adding the following section as section 10, the same having been offered in the committee of the whole.

§ 10. After the passage of this act the New York and Erie Railway Company shall not declare or pay, nor tax commerce or trade over its road to pay interest or dividends on any of the outstanding stock of said company, beyond the par value of the amount levied on and actually paid by its stockholders into its treasury, and actually and in good faith expended by said company on its property for the public welfare from the amount so levied and paid.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Lord	Madden
Bowen	Harrower			

7

## FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Perry	Weismann
Baker	Foster	Murphy	Robertson	Winslow
Benedict	Graham	O'Brien	Tiemann	D. P. Wood
Cock	Lowery	Palmer	Wagner	Woodin

20

Mr. Madden moved to amend by striking out all of said bill after the word "repealed" in line 6, section 1, the same having been made in the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Chatfield	Harrower	Johnson	Lord	Madden
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8

## FOR THE NEGATIVE.

Adams	Cock	McGowan	Perry	Weismann
Allen	Dickinson	Murphy	Robertson	Winslow
Baker	Foster	O'Brien	Tiemann	D. P. Wood
Benedict	Graham	Palmer	Wagner	Woodin
Bowen	Lowery			

23

Mr. Tiemann moved a reconsideration of the vote by which section 9 was adopted.

Mr. Johnson moved to adjourn.

The President put the question whether the Senate would agree to said motion of Mr. Johnson, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Chatfield	Harrower	Johnson	Lord	Madden
Foster				

6

## FOR THE NEGATIVE.

Adams	Cock	McGowan	Perry	Weismann
Allen	Dickinson	Murphy	Robertson	Winslow
Baker	Graham	O'Brien	Tiemann	D. P. Wood
Benedict	Lowery	Palmer	Wagner	Woodin
Bowen				

21

The President then put the question whether the Senate would agree to said motion of Mr. Tiemann, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	O'Brien	Robertson	Weismann	
Baker	Lowery	Palmer	Tiemann	Winslow	
Benedict	Murphy	Perry	Wagner	Woodin	
Cock					16

FOR THE NEGATIVE.

Allen	Foster	Harrower	Lord	Madden	
Bowen	Graham	Johnson	McGowan	D. P. Wood	
Chatfield					11

The President then put the question whether the Senate would agree to said motion to insert said section 9 as offered by Mr. D. P. Wood, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Lowery	Madden	
Benedict	Graham	Lord	McGowan	D. P. Wood	
Bowen	Harrower				12

FOR THE NEGATIVE.

Adams	Dickinson	O'Brien	Robertson	Weismann	
Baker	Foster	Palmer	Tiemann	Winslow	
Cock	Murphy	Perry	Wagner	Woodin	15

Mr. Chatfield moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Foster	Johnson	Madden		4
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FOR THE NEGATIVE.

Adams	Bowen	McGowan	Perry	Weismann	
Allen	Cock	Murphy	Robertson	D. P. Wood	
Baker	Dickinson	O'Brien	Tiemann	Woodin	
Benedict	Graham	Palmer	Wagner		19

Mr. Madden moved to add the following to the title :

"And to enable the stock jobbers of Wall street to fill their pockets at the expense of the people living along the line of said road."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Madden					1
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FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Palmer	Weismann	
Allen	Cock	McGowan	Perry	Winslow	
Baker	Dickinson	Murphy	Robertson	D. P. Wood	
Benedict	Foster	O'Brien	Tiemann	Woodin	
Bowen	Graham				22

Mr. Palmer moved to strike out the amendment made by the committee of the whole to section 2, line 7, as follows :

"The polls at such election shall be opened from nine o'clock, A. M., until the setting of the sun on that day, and the inspectors of said election shall immediately proceed to the canvass of such votes and announce the result thereof."

Pending question,

Mr. Murphy moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Palmer, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Cock	Lowery	O'Brien	Robertson	Winslow	
Foster	McGowan	Palmer	Wagner	D. P. Wood	
Graham	Murphy	Perry	Weismann	Woodin	15

FOR THE NEGATIVE.

Adams	Bowen	Dickinson	Johnson	Madden	
Baker	Chatfield	Harrower	Lord	Tiemann	10

Mr. Madden moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Allen, from the select committee appointed to investigate the charges preferred against Senator James Wood, submitted a majority report in writing; which was laid on the table and ordered printed.

(See Doc. No. 54.)

Mr. Madden moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Perry moved that the Senate take a recess until 7½, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to incorporate the Palmer Elevated Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act relating to appropriations in the city and county of New York, and the payment of all undisputed claims and final judgments in said city and county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871."

"An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

"An act to incorporate the Union Stock Yard and Market Company."

By unanimous consent, Mr. Adams from the committee on the affairs

of cities, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Palmer from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 2 of chapter 9, entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," passed January 30, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Palmer from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendment of the Senate thereto:

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to relieve juvenile delinquents from certain disqualifications."

"An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead, and Oyster Bay, county of Queens."

"An act to authorize Dodge and Stevenson Manufacturing Company to issue preferred stock."

"An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow, Elizabeth P. Mills."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair, and maintenance of a pier for the formation of a harbor at Oswego, New York."

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. Murphy, the Senate adjourned.

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## THURSDAY, MARCH 14, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwynne.

The journal of yesterday was read and approved.

Mr. Robertson moved that the special order be laid upon the table for fifteen minutes.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Perry	Weismann	
Allen	Graham	Murphy	Robertson	Winslow	
Bowen	Lord	O'Brien	Tiemann	D. P. Wood	
Cock	Lowery	Palmer	Wagner	Woodin	20

## FOR THE NEGATIVE.

Chatfield	Madden				2
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After debate, Mr. Robertson withdrew his motion.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

“An act to regulate railroad freight in the State of New York.”

And after some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair, and announced the executive session.

Mr. Madden moved that the executive session be postponed until tomorrow at twelve, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

“An act to regulate railroad freight in the State of New York.”

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported progress on said named bill, and asked leave to sit again.

Mr. D. P. Wood moved to discharge the committee of the whole from further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Palmer moved to recommit to the committee on railroads.

Mr. Woodin moved to amend that the committee report one week from to-day, retaining its place on the general orders.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	D. P. Wood	
Allen	Dickinson	Lord	O'Brien	J. Wood	
Bowen	Graham	Lowery	Weismann	Woodin	
Chatfield	Harrower				17

## FOR THE NEGATIVE.

Baker	Foster	Murphy	Robertson	Wagner	
Benedict	Madden	Perry	Tiemann	Winslow	10

Mr. Palmer asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	O'Brien	Tiemann	Winslow
Baker	Lord	Palmer	Wagner	J. Wood
Benedict	Madden	Perry	Weismann	Woodin
Cock	Murphy	Robertson		

18

FOR THE NEGATIVE.

Allen	Chatfield	Graham	Johnsen	McGowan
Bowen	Dickinson	Harrower	Lowery	D. P. Wood

10

The President presented a memorial of the Chamber of Commerce of the State of New York relative to the usury law; which was ordered printed and referred to the committee on the judiciary.

(See Doc. No. 55.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings."

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company, and providing regulations relating to the election of directors of said company, and the transfer of its stock.

On motion of Mr. D. P. Wood, and by unanimous consent, the Assembly bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the auditor of the canal department upon the treasurer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Palmer	Wagner	J. Wood
Bowen	Johnsen			

22

By unanimous consent, the rule was suspended and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Oswegatchie Bridge Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the Importers'

and Grocers' Board of Trade of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the improvement of streets in the city of New York, between Sixth and Seventh avenues, and north of the southerly line of 110th street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. O'Brien, from the committee on banks, to which was recommitted the bill entitled "An act to facilitate the construction of the New York and Oswego Midland railroad," reported in favor of the passage of the same, and have amended the title so as to read as follows: "An act authorizing the savings banks of the State of New York to invest a portion of their deposits in the bonds of towns in the State of New Jersey, issued to facilitate the construction of the New York and Oswego Midland railroad," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also, to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district of the city of New York,' passed February 17, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the bill entitled "An act to authorize the construction of a sewer in the county of Kings from the county buildings at Flatbush, in said county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across bridges over rivers in the town of Brasher, St. Lawrence county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act for the laying out, opening and closing of streets, roads and avenues in the town of Morrisania, passed May 19, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North

street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of the Sackett Street Railroad Company,' passed October 11, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to divide the Ninth ward, and to create a new ward in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to divide the Twenty-first ward and create a new ward in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to lay out, open, construct and keep in repair Flatbush avenue, in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to enable life insurance companies to restore impaired capital, and also to transfer their business," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry moved to recommit said bill to the committee on insurance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the Assembly bill entitled "An act to repeal

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Perry	Weismann	
Allen	Graham	Murphy	Robertson	Winslow	
Bowen	Lord	O'Brien	Tiemann	D. P. Wood	
Cock	Lowery	Palmer	Wagner	Woodin	20

## FOR THE NEGATIVE.

Chatfield	Madden				2
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After debate, Mr. Robertson withdrew his motion.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

“An act to regulate railroad freight in the State of New York.”

And after some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair, and announced the executive session.

Mr. Madden moved that the executive session be postponed until tomorrow at twelve, m.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

“An act to regulate railroad freight in the State of New York.”

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported progress on said named bill, and asked leave to sit again.

Mr. D. P. Wood moved to discharge the committee of the whole from further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Palmer moved to recommit to the committee on railroads.

Mr. Woodin moved to amend that the committee report one week from to-day, retaining its place on the general orders.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	D. P. Wood	
Allen	Dickinson	Lord	O'Brien	J. Wood	
Bowen	Graham	Lowery	Weismann	Woodin	
Chatfield	Harrower				17

## FOR THE NEGATIVE.

Baker	Foster	Murphy	Robertson	Wagner	
Benedict	Madden	Perry	Tiemann	Winslow	10

Mr. Palmer asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	O'Brien	Tiemann	Winslow
Baker	Lord	Palmer	Wagner	J. Wood
Benedict	Madden	Perry	Weismann	Woodin
Cock	Murphy	Robertson		

18

FOR THE NEGATIVE.

Allen	Chatfield	Graham	Johnsen	McGowan
Bowen	Dickinson	Harrower	Lowery	D. P. Wood

10

The President presented a memorial of the Chamber of Commerce of the State of New York relative to the usury law; which was ordered printed and referred to the committee on the judiciary.

(See Doc. No. 55.)

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings."

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company, and providing regulations relating to the election of directors of said company, and the transfer of its stock.

On motion of Mr. D. P. Wood, and by unanimous consent, the Assembly bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the auditor of the canal department upon the treasurer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Palmer	Wagner	J. Wood
Bowen	Johnson			

22

By unanimous consent, the rule was suspended and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Oswegatchie Bridge Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the Importers'



and Grocers' Board of Trade of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the improvement of streets in the city of New York, between Sixth and Seventh avenues, and north of the southerly line of 110th street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. O'Brien, from the committee on banks, to which was recommitted the bill entitled "An act to facilitate the construction of the New York and Oswego Midland railroad," reported in favor of the passage of the same, and have amended the title so as to read as follows: "An act authorizing the savings banks of the State of New York to invest a portion of their deposits in the bonds of towns in the State of New Jersey, issued to facilitate the construction of the New York and Oswego Midland railroad," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also, to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district of the city of New York,' passed February 17, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the bill entitled "An act to authorize the construction of a sewer in the county of Kings from the county buildings at Flatbush, in said county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across bridges over rivers in the town of Brasher, St. Lawrence county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act for the laying out, opening and closing of streets, roads and avenues in the town of Morrisania, passed May 19, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North

street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of the Sackett Street Railroad Company,' passed October 11, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to divide the Ninth ward, and to create a new ward in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to divide the Twenty-first ward and create a new ward in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to lay out, open, construct and keep in repair Flatbush avenue, in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to enable life insurance companies to restore impaired capital, and also to transfer their business," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry moved to recommit said bill to the committee on insurance, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the Assembly bill entitled "An act to repeal

section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds, and fish,' passed April 26, 1871, and to amend section 21 of said act," with a message that they had non-concurred in the amendments of the Senate thereto, have appointed a committee of conference thereon, consisting of Messrs. Holdridge, Enos, Marcy, Swain, and Campbell, and request a like committee on the part of the Senate.

Mr. Chatfield moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870," with a message that they had concurred in the passage thereof, with the following amendment:

Section 1, line 13, engrossed bill, strike out the words "or any of the United States."

Mr. Lowery moved to non-concur in the amendment, and that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act making appropriations for the support of government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize plank-road and turnpike companies formed under and by virtue of part 1st, chapter 18, title 1, article 5 of the Revised Statutes, to extend their charter or corporate existence," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Ulster General Hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the manufacture, quality and inspection of gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making appropriation for Sarah Wyatt, widow of Samuel Wyatt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to incorporate the Mamaroneck and Rye Neck Fire Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Mosholu Division No. 208, Sons of Temperance," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her

legacy under the last will and testament of her father, Ashbell Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Tiemann presented a petition of citizens of the eighth senatorial district to amend the registration act; which was read and referred to the committee on the affairs of cities.

Mr. Perry presented a petition of tax-payers of Brooklyn for an increase of pay to firemen; which was read and referred to the committee on the affairs of cities.

Mr. McGowan presented a petition of residents of Herkimer for a road to Middleville; which was read and referred to the committee on roads and bridges.

Also, a petition of citizens of Unadilla for the endowment of the Unadilla academy; which was read and referred to the committee on literature.

Mr. Robertson presented a petition of citizens of Westchester county for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Graham presented five petitions for a training and normal school in the village of Plattsburgh; which were read and referred to the committee on literature.

Mr. Wagner presented two petitions of Canajoharie academy for a law authorizing the trustees to convey the Canajoharie academy property to school district No. 8; which were read and referred to the committee on literature.

Mr. Hardenbergh presented three petitions of citizens of Rondout, Kingston, and Wilbur in favor of the incorporation of Kingston; which were read and referred to the committee on the affairs of cities.

Mr. Murphy presented a petition of the inhabitants of New Utrecht prohibiting steam power on the Bushwick, Bath and Coney Island railroad; which was read and referred to the committee on railroads.

Mr. Winslow gave notice that he would, at an early day, ask leave to introduce a bill to amend an act passed May 8, 1869, entitled "An act to incorporate the city of Watertown."

Mr. Chatfield gave notice that he would, at an early day, ask leave to introduce a bill to repeal the present license law in this State.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act authorizing the removal of the remains of all persons interred in Monroe Street Cemetery, in the city of Rochester, to Mount Hope or other cemetery in the city, and the taking of the lands included within the bounds of said Monroe Street Cemetery by the city of Rochester for public school and park purposes; also the issue of bonds by said city to defray the expense thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to authorize the city of Rochester to issue bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Lord asked and obtained leave to intro-



duce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act granting the right to Jonathan H. Child, Edward Backus, and their associates to propel boats or floats on the canals of this State by a traction wheel; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the laying out, opening, extension, and improvement of an avenue in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the collection of the expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of said sewers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to incorporate the Manhattan Mercantile Association of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to establish a metropolitan police district, and to provide for the government thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

In pursuance of previous notice, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to establish a Homœopathic Asylum for the insane at Middletown, New York,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," which was



read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to incorporate the Manhattan Accommodation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act relating to the mounted batteries of artillery of the National Guard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act relating to resolutions and ordinances adopted by the common council of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to repeal chapter 916 of the Laws of 1869, so far as it relates to the classification of directors of the New York Central and Hudson River and Harlem Railroad Companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to provide an armory, in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to establish a rifle range, and to promote skill in marksmanship among the National Guard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the town of West Farms and Morrisania,' passed May 2, 1863, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to provide for examining and auditing the accounts of certain commissioners for making, improving, or extend-

ing certain roads in the town of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of White Plains, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, macadamize or pave Railroad avenue, in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to authorize the trustees of the Canajoharie academy to convey the academy property to school district No. 8 of the town of Canajoharie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act for the better preservation of horse records," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act relating to the Pacific Mail Steamship Company, and providing for the reduction of its capital stock and the qualifications of directors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to provide for the endowment of the Unadilla Academy," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to further amend an act entitled 'An act for the further security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Queens, New York and Onondaga,' passed April 17, 1854, as amended by chapter 558, Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to authorize the formation, establishing and maintaining of driving park and agricultural associations," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on agriculture.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a City Hall in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to incorporate the Nassau Bridge Company, for the purpose of constructing and maintaining a bridge over the East river between the counties of New York and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to enable the Astoria and Hunter's Point Railroad Company to extend their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. D. P. Wood offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor requesting him to return Senate bill No. 22, entitled "An act authorizing the Syracuse and Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," for amendment.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Adams moved that the bill entitled "An

act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Allen moved that the bill entitled "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania Railroad Company with certain other roads," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Murphy moved that the Senate take a recess.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Johnson	Madden	Palmer	Winslow	
Bowen	Lord	Murphy	Robertson	D. P. Wood	
Cock	Lowery	O'Brien	Tiemann	Woodin	
Foster					16

FOR THE NEGATIVE.

Adams	Chatfield	Graham	Perry	Weismann	
Baker	Dickinson	McGowan	Wagner	J. Wood	10

Whereupon the Senate took a recess until half past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

Senate again met.

Mr. Winslow moved that the bill entitled "An act to amend section 1 of the act entitled 'An act declaring the Indian river a public highway,' passed April 5, 1853," be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented a communication from the comptroller of the city of New York, relative to the ninth judicial district court-house, in reply to a resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 61.)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly, "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof."

"An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other roads."

"An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly called the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law, or on any

execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action existed at the time of the passage of this act."

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Adams moved that the committee of the whole be discharged from further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Harrower, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Harrower, from the same committee, reported in favor of the passage of the last named bill, with amendments, and the title amended so as to read as follows: "An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly called the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law, or on any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action arose since January 1, 1871, and existed at the time of the passage of this act.

On motion of Mr. Woodin, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Cock	Johnson	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield				

26

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Robertson moved that the bill entitled "An act relating to the Erie Railway Company repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company and the transfer of its stock," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill having been announced for a third reading,

Mr. Madden moved that the bill be committed to the committee on the judiciary, with instructions to amend as follows:

Add, at the end of section 2, the following :

"No person being a director of the Atlantic and Great Western Railway Company shall be eligible as a director of the Erie Railway Company, and no lease, consolidation, or contract for division of earnings between the two companies shall be valid until ratified by a vote of two-thirds of the shareholders of each company at a meeting called for that purpose."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Harrower	Lowery	Murphy	J. Wood	
Bowen	Johnson	Madden	Palmer	Woodin	
Chatfield	Lord				12

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Robertson	Weismann	
Baker	Foster	O'Brien	Tiemann	Winslow	
Cock	Graham	Perry	Wagner	D. P. Wood	15

Mr. Madden moved to recommit to the committee on the judiciary, with instructions to report forthwith, the following amendment :

In section 2, line 1, strike out the word "July," and insert in lieu thereof the word "April."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Harrower	Johnson	Madden	J. Wood	
Chatfield					6

FOR THE NEGATIVE.

Baker	Foster	O'Brien	Tiemann	Winslow	
Benedict	Graham	Palmer	Wagner	D. P. Wood	
Cock	McGowan	Perry	Weismann	Woodin	
Dickinson	Murphy	Robertson			18

Mr. Madden moved to recommit to the committee on the judiciary, with instructions to report forthwith, the following amendment :

Add to section 2 as follows :

"No person being a director of the Atlantic and Great Western Railway Company shall be eligible as a director of the Erie Railway Company."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	O'Brien	D. P. Wood	
Benedict	Graham	McGowan	Palmer	J. Wood	
Bowen	Harrower	Madden	Wagner	Woodin	
Chatfield	Johnson	Murphy	Weismann		19

FOR THE NEGATIVE.

Adams	Cock	Robertson	Tiemann	Winslow	
Baker	Perry				7

Mr. J. Wood, from the committee on the judiciary, reported back the said entitled bill, with the amendment, as instructed by the Senate.

Mr. Madden moved to recommit said bill to the committee on the judiciary, with instructions to amend the same by striking out in section 2,



line 1, the word "July," and insert in lieu thereof the word "June," and that they report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Chatfield	Lord	Madden	D. P. Wood	J. Wood
Harrower				

**6**

**FOR THE NEGATIVE.**

Adams	Dickinson	Lowery	Palmer	Wagner
Baker	Foster	McGowan	Perry	Weismann
Benedict	Graham	Murphy	Robertson	Winslow
Cock	Johnson	O'Brien	Tiemann	Woodin

**20**

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Murphy	Tiemann	J. Wood
Bowen	Johnson	O'Brien	Wagner	Woodin
Chatfield				

**26**

**FOR THE NEGATIVE.**

Harrower	Madden
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**2**

On motion of Mr. Robertson, and by unanimous consent, the rule was suspended, and the bill was ordered to be transmitted to the Assembly immediately requesting their concurrence therein.

By unanimous consent, Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a Homœopathic Asylum for the Insane at Middletown, passed April 28, 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Wagner, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Second Avenue Railroad Company to extend their tracks, and to operate the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Adams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," reported the same to the Senate for its consideration, and said bill committed to the committee of the whole.

On motion of Mr. Bowen, the Senate adjourned.

FRIDAY, MARCH 15, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Grant.

The journal of yesterday was read and approved.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for examining and auditing the accounts of certain commissioners for making improvements or extending certain roads in the town of Yonkers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvement," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the highway from the town of Northville to Lake Pleasant, in the county of Hamilton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges to which was referred the bill entitled "An act to provide for the construction and improvement of the road from Piseco Lake to Claffin's tannery, in the county of Hamilton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Johnson, from the committee on canals, to which was referred the Assembly bill entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Johnson, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the German American Loan and Mortgage Company," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend the charter of the New York Bond Deposit Company of the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the bill entitled "An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the laying out, opening, extension and improvement of an avenue in the counties of Kings and Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act for the better preservation of horse records," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act to authorize the formation of driving park, park, and agricultural associations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the

commonwealth of Pennsylvania, to hold real estate for the purposes of its business," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the descent of real estate to female citizens of the United States and their descendants notwithstanding their marriage with aliens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the fees of county clerks," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An in relation to the inspection of steam boilers in the State of New York, except in the Metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denham, her legacy under the last will and testament of her father, Ashbel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Ulster General Hospital," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Mosholu division No. 208, Sons of Temperance," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Murphy	Tiemann
Baker	Dickinson	Lowery	Perry	Weismann
Benedict	Foster	McGowan	Robertson	Winslow
Chatfield	Graham	Madden		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized in the town of Canandaigua, county of Ontario," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Murphy	Tiemann
Allen	Cock	Lowery	O'Brien	Weismann
Baker	Dickinson	McGowan	Perry	Winslow
Benedict	Foster	Madden	Robertson	D. P. Wood
Bowen	Graham			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to lay out, open, and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings," having been announced for a third reading,

On motion of Mr. Murphy, and by unanimous consent, the bill was amended as follows:

Add to section 4 the following:

"The said assessments shall be paid over to the said supervisor, and the same shall be applied by him to the payment of the awards to the parties entitled thereto."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Tiemann
Allen	Chatfield	Graham	Murphy	Weismann
Baker	Cock	Johnson	Perry	Winslow
Benedict	Dickinson	Lowery	Robertson	D. P. Wood

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Winslow moved that the executive session ordered for 12 o'clock M., to-day, be postponed until 1 o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Tiemann offered the following:

*Resolved*, That the comptroller of the city and county of New York be and is hereby requested to furnish to the Senate the names of each

and every officer of, and person in the employ of the city and county of New York, during the year 1871, and also at the present date, specifying the office or department in or under which they were or are employed, their duties, and the compensation paid each, either by annual salary or by fees or commissions, and if by the latter, then the amount so paid during the year 1871, and all departments and officers of the said city and county are hereby required to furnish to the said comptroller, on his request, any information he may require to enable him to comply with this resolution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The bill entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," having been announced for a third reading,

Mr. Bowen moved that the bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved to reconsider the vote by which the bill was recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Murphy	Tiemann
Allen	Foster	McGowan	Perry	Weismann
Baker	Johnson	Madden	Robertson	J. Wood
Chatfield				

16

FOR THE NEGATIVE.

Bowen				
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1

Mr. Bowen moved to recommit to the committee on railroads, with instructions to strike out the words "and directed" in section 1, line 2, engrossed bill, and to report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof; and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Wagner
Baker	Dickinson	McGowan	Perry	Weismann
Benedict	Graham	Madden	Robertson	D. P. Wood
Chatfield	Johnson	Murphy	Tiemann	J. Wood

20

FOR THE NEGATIVE.

Allen	Bowen	Lowery	O'Brien	
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other railroads," was read a third time.



By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Reserve Mutual Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Young Men's Christian Association of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act in relation to the sale of intoxicating liquors, except in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act prohibiting the use of steam by the Brooklyn, Bath and Coney Island Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend sections 304 and 305 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend chapter 345 of an act entitled 'An act for the publication of the Session Laws in two newspapers in each county of the State,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the New York, Harlem and Morrisania Railway Company, and provide for the construction of an elevated railway in the city of New York and Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The bill entitled "An act authorizing the savings banks of the State of New York to invest a portion of their deposits in the bonds of towns in the State of New Jersey, issued to facilitate the construction of the New York and Oswego Midland railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Madden	Wagner
Allen	Chatfield	Lord	O'Brien	Winslow
Baker	Cock	Lowery	Perry	J. Wood
Benedict	Foster	McGowan	Robertson	19

FOR THE NEGATIVE.

Johnson	Murphy	Tiemann	Weismann	D. P. Wood	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Union Stock Yard and Market Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Wagner
Allen	Cock	Lord	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Benedict	Graham	Madden	Tiemann	D. P. Wood
				20

FOR THE NEGATIVE.

Johnson	O'Brien	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the law of limited partnerships," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Robertson
Allen	Chatfield	Johnson	Murphy	Tiemann
Baker	Cock	Lord	O'Brien	Weismann
Benedict	Foster	Lowery	Perry	D. P. Wood
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

treasury. The deficiency can be made up only by the city at large assuming the amount; in this the tax commissioners have no powers.

The case may be a hard one for the party seeking relief; but there is no proper way of giving relief, now that the assessment has been confirmed by the court, except for the city authorities to pay out of its treasury to the party aggrieved, by way of donation, whatever sum may be found by them to be just.

I doubt not that the Legislature will agree with me, when they come to reconsider the bill, that it ought not to pass into a law.

JOHN T. HOFFMAN.

Mr. Benedict moved to lay said message upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act authorizing the city of Rochester to issue bonds to an amount not to exceed seventy-five thousand dollars, for the purpose of building a free academy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to provide for the endowment of the Unadilla Academy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was recommitted the bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh normal and training school, passed May 7, 1869,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Madden, from the select committee appointed upon that subject, to which was referred the bill entitled "An act to provide for furnishing two statues of eminent deceased citizens of this State, to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street, and other streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden moved that the bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Adams offered the following:

*Resolved*, That the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," be recommitted to the committee on banks, for the purpose of amendment, retaining its place on general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Chatfield offered the following:

*Resolved*, That the report of the select committee to investigate the charges against Senator James Wood be accepted and the committee discharged from further consideration of the subject.

*Resolved*, That Hon. James Wood, Senator of the thirtieth district be, and is hereby, expelled from his seat as a member of this Senate.

Mr. Chatfield moved to lay the same upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield offered the following:

*Resolved*, That the standing committee on railroads be requested to report to the Senate the bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' passed May 19, 1869."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lowery offered the following:

*Resolved* (if the Assembly concur), That our Senators in Congress are hereby instructed, and the representatives of the State of New York in Congress requested to vote for, and endeavor to secure the early passage of a bill introduced in the United States Senate by Senator Pomeroy, February 7, 1872, which bill (herewith annexed) provides for a commission of inquiry: first, relative to the results of prohibitory and restrictive legislation for the suppression of intemperance; second, concerning the results of the legalized liquor traffic, as related to the general welfare of the communities wherein it prevails; and third, to consider and recommend what legislation, if any, would be beneficial on the part of Congress, to prohibit, within the jurisdiction of the national government, the manufacture, importation and sale of all intoxicating liquors to be used as a beverage.

By unanimous consent the rule was suspended, and Mr. Lowery moved that said resolution be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood offered the following:

*Resolved* (if the Assembly concur) That the Governor of this State is hereby authorized to appoint two commissioners to represent the State of New York in the International Congress on the prevention and suppression of crime, to be held in the city of London, on the third day of July, 1872.

*Ordered*, That said resolution be laid on the table.

The hour of 1 o'clock having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened and legislative business was resumed.

Mr. Palmer moved that the bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the village of Rhinebeck,' passed February 2, 1867, passed April 21, 1870," be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann	
Allen	Graham	McGowan	Robertson	Winslow	
Chatfield	Johnson	Madden	Tiemann	D. P. Wood	
Cock	Lord	Murphy	Wagner	J. Wood	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the city of Albany passed March 16, 1870, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Perry	Winslow	
Allen	Chatfield	Lowery	Robertson	D. P. Wood	
Baker	Dickinson	McGowan	Wagner	J. Wood	
Benedict	Foster	Madden	Weismann	.	19

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Murphy	Tiemann	5
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from His Excellency the Governor was received and read in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *March* 15, 1872. }

*To the Senate:*

In compliance with a joint resolution of the Senate and Assembly, I return herewith for amendment Senate bill No. 22, entitled "An act authorizing the Syracuse and Northern Railroad Company to extend its road and make certain connections, etc.

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann	
Allen	Dickinson	McGowan	Robertson	Winslow	
Baker	Graham	Madden	Tiemann	D. P. Wood	
Bowen	Johnson	Murphy	Wagner	J. Wood	
Chatfield	Lord				22

On motion of Mr. D. P. Wood, and by unanimous consent, the same was amended as follows:

Strike out the second section thereof; amend the third section by striking out all after the word "before," in line 11 down to and includ-

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Adams, from the same committee, reported in favor of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The President announced as the select committee upon the memorial of the American Woman's Suffrage Association, Messrs. Adams, Palmer and Cock.

By unanimous consent, Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, the Senate adjourned.

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## SATURDAY, MARCH 16, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Heath.

The journal of yesterday was read and approved.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Mamaroneck and Rye Neck fire department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to private asylums for the insane," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend section 10 of chapter 739 of the laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.



treasury. The deficiency can be made up only by the city at large assuming the amount; in this the tax commissioners have no powers.

The case may be a hard one for the party seeking relief; but there is no proper way of giving relief, now that the assessment has been confirmed by the court, except for the city authorities to pay out of its treasury to the party aggrieved, by way of donation, whatever sum may be found by them to be just.

I doubt not that the Legislature will agree with me, when they come to reconsider the bill, that it ought not to pass into a law.

JOHN T. HOFFMAN.

Mr. Benedict moved to lay said message upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act authorizing the city of Rochester to issue bonds to an amount not to exceed seventy-five thousand dollars, for the purpose of building a free academy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to provide for the endowment of the Unadilla Academy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict, from the committee on literature, to which was recommitted the bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh normal and training school, passed May 7, 1869,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Madden, from the select committee appointed upon that subject, to which was referred the bill entitled "An act to provide for furnishing two statues of eminent deceased citizens of this State, to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street, and other streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden moved that the bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Adams offered the following:

*Resolved*, That the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," be recommitted to the committee on banks, for the purpose of amendment, retaining its place on general orders.

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Adams, from the same committee, reported in favor of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The President announced as the select committee upon the memorial of the American Woman's Suffrage Association, Messrs. Adams, Palmer and Cock.

By unanimous consent, Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, the Senate adjourned.

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## SATURDAY, MARCH 16, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Heath.

The journal of yesterday was read and approved.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Mamaronock and Rye Neck fire department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to private asylums for the insane," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend section 10 of chapter 739 of the laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Murphy	Tiemann
Allen	Cock	Johnson	Palmer	Weismann
Baker	Dickinson	Lord	Perry	D. P. Wood
Benedict	Foster	Lowery	Robertson	J. Wood
Bowen				

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. D. P. Wood presented a memorial of the American Woman's Suffrage Association for an amendment to the constitution abolishing political distinctions on account of sex:

Mr. D. P. Wood offered, in connection therewith, the following :

*Resolved* (if the Assembly concur), That a joint committee of three on the part of the Senate, and five on the part of the House, be appointed for the consideration of the memorial of the American Woman's Suffrage Association, and that said memorial be referred to said committee.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Tiemann presented a communication from the commissioners of public works of the city of New York relative to the repeal of the act to provide a never-failing supply of pure and wholesome water in said city; which was laid on the table and ordered printed.

(See Doc. No. 58.)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation."

Assembly, "An act to incorporate the New Rochelle Mænnerchor.

"An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868."

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Adams, from the same committee, reported in favor of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The President announced as the select committee upon the memorial of the American Woman's Suffrage Association, Messrs. Adams, Palmer and Cock.

By unanimous consent, Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, the Senate adjourned.

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## SATURDAY, MARCH 16, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Heath.

The journal of yesterday was read and approved.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Mamaronock and Rye Neck fire department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the Manhattan Loan and Trust Company of the city of New York," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to private asylums for the insane," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend section 10 of chapter 739 of the laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Benedict presented the report of the fishery commissioners of the State of New York; which was laid on the table and ordered printed.

(See Doc. No. 52.)

Mr. Benedict offered the following:

*Resolved*, That 1,000 extra copies of the report of the fishery commissioners be printed for the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act passed May 3, 1870, entitled 'An act to amend the act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

"An act to amend an act entitled 'An act to amend an act entitled "An act to incorporate the Association for the Benefit of Colored Orphans in the city of New York," passed April 16, 1838;' passed April 1, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river from some point on Van Schaick's island, in the city of Cohoes, to some point in the village of Lansingburgh south of Bolton's brewery on said river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend chapter 868 of the Laws of 1871, entitled 'An act to foster and develop the internal commerce of the State by inviting and rewarding the practical and profitable introduction upon the canals of steam, caloric, electricity, or any motor other than animal power for the propulsion of boats," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to authorize the water commissioners of the city of Watertown to borrow money for the construction of a reservoir, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to appoint commissioners of fisheries for the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act relating to appropriations in the city and county of New York, and the payment of all undisputed claims and final judgments in said city and county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.



By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to imprisonment for contempt in surrogates' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act further to amend an act passed May 8, 1869, entitled 'An act to incorporate the city of Watertown,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. McGowan presented a petition for the relief of Sidney and Unadilla Bridge Company; which was read and referred to the committee on roads and bridges.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisborough, Poundridge, and Rye, in the county of Westchester," was referred to the first committee of the whole.

On motion of Mr. Graham the bill entitled "An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes,'" was made the special order for Tuesday next, immediately after the order of business of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled "An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across Harlem river," was made the special order immediately after the special order already made for Tuesday next.

Mr. Allen moved that when the Senate adjourn, to-day, it adjourn to meet on Monday evening next at 7½ o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict moved to take from the table the report of the committee on printing, as follows:

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the trustees



of the State Library, reported in favor of the adoption of the following resolution :

*Resolved*, That 1,000 copies of the report of the trustees of the State Library be printed for the use of the trustees.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Baker, and by unanimous consent, the Assembly bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," be referred to the first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

"An act to incorporate the German United Evangelical Protestant Synod of the East."

"An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge and Rye, in the county of Westchester."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Baker moved that the committee of the whole be discharged from further consideration of the bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Dickinson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Dickinson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Madden, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to establish a Homœopathic Asylum for the Insane at Middletown, New York,' passed April 28, 1870," was referred to the first committee of the whole.

On motion of Mr. Lord, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868," was referred to the first committee of the whole.

On motion of Mr. Adams, and by unanimous consent, the bill entitled "An act making provision for the support of the Albany City Dispensary," was referred to the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act to establish a Homœopathic Asylum for the Insane at Middletown, New York,' passed April 28, 1870."

"An act making provision for the support of the Albany City Dispensary."

"An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868."

After some time spent therein, the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Benedict, and by unanimous consent, the Assembly bill entitled "An act to authorize the descent of real estate to female citizens of the United States and their descendants notwithstanding their marriage with aliens," was referred to the first committee of the whole.

On motion of Mr. Lowery, and by unanimous consent, the bill entitled "An act relating to the examination of candidates for the degree of doctor of medicine," was referred to the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act relating to the examination of candidates for the degree of doctor of medicine."

Assembly, "An act to authorize the descent of real estate to female citizens of the United States and their descendants notwithstanding their marriage with aliens."

"An act to amend chapter 539 of the Laws of 1870, entitled "An act in relation to jurors in the city and county of New York," passed May 2, 1870."

After some time spent therein, the President resumed the chair, and Mr. Cock, from said committee, reported progress on the first and last named bills, and asked and obtained leave to sit again.

Mr. Cock, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act relating to the Erie Railway Company repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company and the transfer of its stock."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Cock, the Senate adjourned.

After some time spent therein, the President resumed the chair, and Mr. Lord, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Perry moved that the following entitled bills be laid upon the table:

"An act to provide further restraint on the expenditures of public moneys in the county of Kings, and to repeal chapter 115 of the Laws of 1871."

"An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor of the county of Kings, and prescribing his powers and duties.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton," passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871."

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires."

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county."

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

"An act in relation to the service of notices by publication."

After some time spent therein the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the pas-

sage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Benedict moved that the committee of the whole be discharged from further consideration of the bill, and that the same be recommitted to the committee on the judiciary, retaining its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tiemann moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Perry moved that the bill entitled "An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Lord, the Senate adjourned.

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## TUESDAY, MARCH 19, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Heath.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of citizens of Westchester for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Winslow presented a petition of disabled volunteers for a State Home; which was read and referred to the committee on militia.

Mr. Chatfield presented a petition of the common council of Binghamton relative to Chenango canal; which was read and referred to the committee on canals.

Also, a petition of the common council of Binghamton for charter amendment; which was read and referred to the committee on the affairs of cities.

Also, a petition of common council of Binghamton about canal bridge in that city; which was read and referred to the committee on canals.

Mr. Benedict presented a memorial of the trustees of the State Homoeopathic Asylum for the Insane; which was read and referred to the committee on charitable and religious societies.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act authorizing the constructing of a bridge across the Hudson river at the city of Troy," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed

After some time spent therein, the President resumed the chair, and Mr. Lord, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Perry moved that the following entitled bills be laid upon the table:

"An act to provide further restraint on the expenditures of public moneys in the county of Kings, and to repeal chapter 115 of the Laws of 1871."

"An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor of the county of Kings, and prescribing his powers and duties.'"

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton," passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871."

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires."

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county."

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

"An act in relation to the service of notices by publication."

After some time spent therein the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the pas-

sage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Benedict moved that the committee of the whole be discharged from further consideration of the bill, and that the same be recommitted to the committee on the judiciary, retaining its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tiemann moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Perry moved that the bill entitled "An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Lord, the Senate adjourned.

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## TUESDAY, MARCH 19, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Heath.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of citizens of Westchester for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Winslow presented a petition of disabled volunteers for a State Home; which was read and referred to the committee on militia.

Mr. Chatfield presented a petition of the common council of Binghamton relative to Chenango canal; which was read and referred to the committee on canals.

Also, a petition of the common council of Binghamton for charter amendment; which was read and referred to the committee on the affairs of cities.

Also, a petition of common council of Binghamton about canal bridge in that city; which was read and referred to the committee on canals.

Mr. Benedict presented a memorial of the trustees of the State Homœopathic Asylum for the Insane; which was read and referred to the committee on charitable and religious societies.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act authorizing the constructing of a bridge across the Hudson river at the city of Troy," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed



April 27, 1866," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Newburgh Savings Bank,' passed April 13, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to incorporate the Continental Credit Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to authorize the city of Binghamton to use a portion of the Chenango canal for a public street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Chatfield, asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton Railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act making the Commissioners of the Land Office members of the board of trustees of the New York State Inebriate Asylum," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to define the jail liberties of the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend chapter 310 of the Laws of 1864, being 'An act to incorporate the Farmers' Protective Union,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Palmer asked and obtained leave to intro-

duce a bill entitled "An act in relation to conveyances by sheriffs on sales of land on executions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act increasing the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' passed April 6, A. D. 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to authorize the appointment of assistant district attorneys in certain counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the Croton Aqueduct of the city of New York,' passed April 15, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation."

"An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868."

"An act to incorporate the German United Evangelical Protestant Synod of the East."

"An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisborough, Poundridge, and Rye, in the county of Westchester."

"An act making provision for the support of the Albany City Dispensary."

"An act to amend an act entitled 'An act to establish a Homœopathic

Asylum for the Insane at Middletown, New York,' passed April 28, 1870."

"An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also, to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district of the city of New York,' passed February 17, 1871."

"An act to make provision for the local government of the city and county of New York for the year 1872."

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

"An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein."

The Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Tiemann
Allen	Chatfield	Johnson	Madden	Weismann
Baker	Dickinson	Lewis	Perry	Winslow
Benedict	Foster	Lowery	Robertson	D. P. Wood

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Palmer	Tiemann
Baker	Cock	Johnson	Perry	Weismann
Benedict	Dickinson	Lord	Robertson	D. P. Wood
Bowen	Foster	McGowan		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the New Rochelle Mænnerchor," was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Palmer	Tiemann
Allen	Cock	Johnson	Perry	Weismann
Baker	Dickinson	McGowan	Robertson	D. P. Wood
Bowen	Foster	Madden		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Weismann
Allen	Cock	Harrower	Perry	Winslow
Baker	Dickinson	Johnson	Robertson	D. P. Wood
Benedict	Foster	Lewis	Tiemann	

19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act making provision for the support of the Albany City Dispensary," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Tiemann
Allen	Dickinson	Johnson	Madden	Weismann
Baker	Foster	Lewis	Perry	Winslow
Chatfield	Graham	Lowery	Robertson	D. P. Wood

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisborough, Poundridge, and Rye, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Dickinson	Johnson	Perry	Winslow
Baker	Foster	Lewis	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	

19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy, passed April 12,

1816,' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," having been announced for a third reading, was amended as follows:

Page 4, engrossed bill, line 2, strike out the word "the," and insert in lieu thereof the word "be."

Page 28, engrossed bill, section 1, line 4, strike out the words "except as modified in this section."

Page 62, engrossed bill, line 3, strike out the word "of," and insert in lieu thereof the word "or."

Page 63, engrossed bill, last line but one from bottom, strike out letter "s" from the word "clothings."

Add, after the word "bidder," in line 11, page 9, engrossed bill, the words "the common council shall designate, not to exceed three newspapers having the largest circulation in the city, in which such advertising shall be done only on the order of the common council."

In title 6, strike out section 3.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson
Allen	Chatfield	Harrower	McGowan	Weismann
Baker	Dickinson	Johnson	Palmer	Winslow
Benedict	Foster	Lewis	Perry	D. P. Wood 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to incorporate the German United Evangelical Protestant Synod of the East," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Cock	Johnson	Perry	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the descent of real estate to female citizens of the United States, and their descendants, notwithstanding their marriage with aliens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Tiemann
Allen	Cock	Lewis	Palmer	Weismann

Baker	Dickinson	Lowery	Perry	Winslow	22
Benedict	Foster	McGowan	Robertson	D. P. Wood	
Bowen	Graham				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to repeal an act entitled 'An act to provide for a police court-house in the Ninth judicial district in the city of New York,' passed April 27, 1870;" also, to repeal an act entitled 'An act to provide for the completion of the court-house for the Ninth judicial district of the city of New York,' passed February 17, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Tiemann	20
Allen	Dickinson	Johnson	Palmer	Weismann	
Baker	Foster	Lewis	Perry	Winslow	
Bowen	Graham	Lowery	Robertson	D. P. Wood	

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann	18
Baker	Foster	McGowan	Robertson	Winslow	
Benedict	Graham	Madden	Tiemann	D. P. Wood	
Chatfield	Lewis	Palmer			

FOR THE NEGATIVE.

Allen	Bowen	Harrower	Johnson	4
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Tiemann	22
Allen	Dickinson	Lewis	Palmer	Weismann	
Benedict	Foster	Lowery	Perry	Winslow	
Bowen	Graham	McGowan	Robertson	D. P. Wood	
Chatfield	Harrower				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Madden	Tiemann
Allen	Cock	Harrower	Palmer	Weismann
Baker	Dickinson	Johnson	Perry	D. P. Wood
Bowen	Foster	McGowan	Robertson	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson
Allen	Chatfield	Harrower	McGowan	Tiemann
Baker	Dickinson	Johnson	Palmer	Weismann
Benedict	Foster	Lewis	Perry	Winslow
				20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton," passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Robertson
Allen	Cock	Johnson	Madden	Wagner
Baker	Dickinson	Lewis	Palmer	Weismann
Benedict	Foster	Lowery	Perry	Winslow
Bowen	Graham			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires," was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill; and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	McGowan	Tiemann	
Baker	Cock	Johnson	Palmer	Weismann	
Benedict	Dickinson	Lewis	Perry	Winslow	
Bowen	Foster	Lowery	Robertson	D. P. Wood	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Tiemann	
Allen	Dickinson	Lewis	Palmer	Weismann	
Baker	Foster	Lowery	Perry	Winslow	
Bowen	Harrower	McGowan	Robertson	D. P. Wood	
Chatfield					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Madden	Tiemann	
Allen	Cock	Lord	Palmer	Weismann	
Baker	Foster	Lowery	Perry	Winslow	
Benedict	Harrower	McGowan	Robertson	D. P. Wood	
Bowen	Johnson				22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to establish a Homœopathic Asylum for the Insane at Middletown, New York,' passed April 28, 1870," having been announced for a third reading,

Mr. Benedict moved that the same be recommitted to the committee on charitable and religious societies, with power to report at any time, retaining its place on the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868," having been announced for a third reading,

On motion of Mr. Lord, and by unanimous consent, was amended as follows :

Section 2, subdivision 10, line 2, after the word "trust," insert the words "in bonds and mortgages on unincumbered real estate within this State worth double the amount secured thereby."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Tiemann
Allen	Cock	Johnson	Madden	Weismann
Baker	Dickinson	Lord	Palmer	Winslow
Benedict	Foster	Lowery	Robertson	D. P. Wood
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bills entitled as follows :

"An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

After some time spent therein the President resumed the chair, and Mr. Palmer, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. D. P. Wood moved that said bill be made the special order for Thursday next at 12 o'clock.

Mr. Benedict moved to amend by substituting Tuesday next after third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. D. P. Wood, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Palmer, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that said bill be made the special order at the same time with the one already made.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bowen offered the following:

*Resolved*, That hereafter the daily sessions of the Senate shall commence at 10 o'clock A. M.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen offered the following:

*Resolved* (if the Assembly concur), That the Legislature adjourn, *sine die*, on the 10th day of April next, at 2 o'clock, P. M.

*Ordered*, That said resolutions be laid on the table.

Mr. Benedict moved that the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and provide a feasible, safe and speedy system of rapid transit through the city of New York," be made the special order for Thursday next, immediately after the consideration of the special orders already set down for that day.

The President then put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict moved that the bill entitled "An act to amend an act relative to sheriffs' certificates upon the sale of real estate, passed March 2, 1857," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870."

"An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings."

After some time spent therein, the President resumed the chair, and Mr. Perry, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Perry, from said committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Baker offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting him to return Senate bill No. 6, entitled "An act to amend an act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms in the sixth, seventh, and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869," for amendment.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended and the Clerk ordered to deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Graham, the Senate took a recess until half past seven o'clock, P. M.

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### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. D. P. Wood moved that the bill entitled "An act to incorporate the Syracuse Driving Park Association," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act revising, amending and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers."

Assembly, "An act relating to the New York and Long Island Ferry Company."

"An act to incorporate the Syracuse Driving Park Association."

After some time spent therein, the President resumed the chair, and Mr. Weismann, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. D. P. Wood moved that the committee of the whole be discharged from further consideration of the bill, and that the same be recommitted to the committee on the affairs of villages with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Weismann, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Weismann, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties."

Assembly, "An act to amend an act entitled 'An act to amend an act, passed July 21, 1853, entitled 'An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855.'"

"An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses,' passed March 27, 1871."

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Winslow, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend the charter of the United States Life Insurance Company in the city of New York."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870."

Assembly, "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

After some time spent therein the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from said committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," with a message that they consent to a committee of conference on the same, and have appointed as such committee, on the part of the Assembly, Messrs. Hungerford, Squires, Yeomans Cook and Moseley.

The Assembly returned the concurrent resolution requesting the Governor to return, for amendment, the bill relative to stenographers in circuit courts, etc., with a message that they had concurred in the same, without amendment.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Assembly returned the Assembly bill entitled "An act to release to Mary Wheleam the real estate of which John Wheleam died seized, in the town of Canandaigua, county of Ontario," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendment of the Senate thereto :

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Chatfield moved that the following entitled Assembly bill be considered in the first committee of the whole :

"An act to establish a board of health and vital statistics in the county of Richmond, and to define its powers and duties."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.



Mr. Johnson moved that the following entitled Assembly bills be considered in the first committee of the whole :

"An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads," passed May 7, 1847, and the acts amendatory thereof,' passed April 14, 1855."

"An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power, and duties."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

"An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties."

"An act to amend an act entitled 'An act to amend an act, passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported in favor of the passage of said named bills, with amendments, which report was agreed to, and said bills ordered to a third reading.

On motion of Mr. Allen, the Senate adjourned.

## WEDNESDAY, MARCH 20, 1872.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Lewis presented five petitions for a bridge across Tonawanda creek at Bush's Place; which was read and referred to the committee on canals.

Mr. Robertson presented a petition of citizens of Morrisania for reduction of fare on West Farms and Morrisania railroad; which was read and referred to the committee on railroads.

Mr. O'Brien presented a petition for act authorizing sale of real estate; which was read and referred to the committee on the judiciary.

Mr. Lewis presented a petition of L. D. Johnson and others for a law making sellers of spirituous liquors liable for damages in consequence of such sale; which was read and referred to the committee on internal affairs.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village

of Carthage," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York, passed April 11, 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duty," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York, passed April 6, A. D, 1871,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the appointment of assistant district attorneys in certain counties of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act increasing the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State," asked to be discharged from the further consideration of the same, and that it be referred to the committee on internal affairs; which report was agreed to.

Mr. Baker, from a majority of the committee on canals, to which was referred the bill entitled "An act to authorize the Board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river at Cohoes for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter 543 of the Laws of 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend an act in relation to abandoned canals, passed April 6, 1857," reported adversely thereto; which report was agreed to.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868."

"An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870."

"An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses,' passed March 27, 1871."

"An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county."

"An act to amend the charter of the United States Life Insurance Company in the city of New York."

"An act to incorporate the Syracuse Driving Park Association."

Mr. D. P. Wood, from the committee on finance, to which was referred the concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature," reported in favor of the passage of the same, with amendments, and said resolution was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the bill entitled "An act to amend an act passed April 26, 1867, for the relief of the ruptured and crippled in hospital," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act for the relief of Cornelia Townsend," which was read the first time, and by unanimous consent was also read the second time.

Mr. Benedict moved that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City.'"

On motion of Mr. Cook, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	O'Brien	Wagner
Baker	Dickinson	Lord	Perry	Weismann
Benedict	Foster	Madden	Robertson	Winslow
Chatfield	Graham	Murphy	Tiemann	D. P. Wood 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to authorize the United States Contracting Company to change its name," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act relating to lands in the city of New York, devised by Francis Wiener, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to amend the Statutes of the State, limiting the time for the commencement of actions in the courts thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act confirming certain proceedings of the common council of the city of Buffalo, and authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act authorizing the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to justices of the supreme court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to legalize payments made by the comptroller to justices of the supreme court in the second judicial district, and to authorize further payments by said comptroller to said justices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act for the further protection of fish in the Goodhue and Cranberry lakes in the towns of Thurston and Addison, Steuben county, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to extend the operation and effect of the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to designate a uniform time for the commencement of the term of office of the supervisors of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to allow the justices of the supreme court assigned to hold the general terms thereof in the several judicial departments of this State to fix the times and places for holding the same,'" which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1866, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the election of directors of said company, and the transfer of its stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' passed April 24, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the Evangelists in the city of New York, passed May 6, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act for the relief of the German United Evangelical St. John's church of the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' passed April 12, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the association for the benefit of colored orphans in the city of New York,' passed April 16, 1838, passed April 1, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to clear and regulate the court-house property of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the Atlantic Dock Company to erect piers in front of their lands in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Bowen	Graham	Madden	Tiemann	D. P. Wood
Chatfield	Harrower			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relating to the New York and Long Island Ferry Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Tiemann
Allen	Cock	Harrower	O'Brien	Weismann
Baker	Dickinson	Johnson	Perry	Winslow
Benedict	Foster	Lewis	Robertson	D. P. Wood
Bowen				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the Syracuse Driving Park Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	O'Brien	Wagner
Baker	Foster	Lewis	Perry	Weismann
Bowen	Graham	Lord	Robertson	D. P. Wood
Cock	Harrower	Madden	Tiemann	

19

FOR THE NEGATIVE.

Chatfield	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses,' passed March 27, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Wagner
Baker	Cock	Johnson	Perry	Weismann
Benedict	Dickinson	Lord	Robertson	Winslow
Bowen	Foster	Lowery	Tiemann	D. P. Wood

20



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lord	Weismann	
Baker	Cock	Harrower	Perry	Winslow	
Benedict	Dickinson	Johnson	Robertson	D. P. Wood	
Bowen	Foster	Lewis	Wagner		19

FOR THE NEGATIVE.

Murphy	Tiemann				2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the United States Life Insurance Company in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Wagner	
Baker	Cock	Lowery	Robertson	Weismann	
Benedict	Foster	O'Brien	Tiemann	Winslow	
Bowen	Graham				17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Wagner	
Benedict	Dickinson	Johnson	Perry	Weismann	
Bowen	Foster	Lowery	Robertson	Winslow	
Chatfield					16

FOR THE NEGATIVE.

Graham	Lord	McGowan	Murphy	Tiemann	5
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Mr. Bowen moved to reconsider the vote just taken, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Madden	Tiemann	
Bowen	Foster	Lewis	O'Brien	Weismann	
Chatfield	Graham	Lowery	Perry	Winslow	
Cock	Harrower	McGowan	Robertson		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Wagner	
Benedict	Dickinson	Lowery	Perry	Weismann	
Bowen	Foster	McGowan	Robertson	Winslow	
Chatfield	Harrower	Madden	Tiemann	D. P. Wood	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power, and duties," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	O'Brien	Wagner	
Bowen	Harrower	Lowery	Perry	Weismann	
Chatfield	Johnson	McGowan	Robertson	Winslow	
Cock	Lewis	Madden	Tiemann	D. P. Wood	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled 'An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Wagner
Bowen	Foster	Lord	Perry	Weismann
Chatfield	Harrower	Lowery	Tiemann	D. P. Wood
Cock	Johnson	McGowan		

18

## FOR THE NEGATIVE.

Madden          Robertson

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Bowen called from the table the following resolution:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die* on the tenth day of April next, at 2 o'clock P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baker	Foster	Lewis	Robertson	Weismann
Bowen	Graham	Madden	Tiemann	Winslow
Chatfield	Harrower	O'Brien	Wagner	D. P. Wood
Dickinson	Johnson			

17

## FOR THE NEGATIVE.

Adams	Benedict	Lowery	Murphy	Perry
Allen	Cock	McGowan		

8

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Dickinson from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow offered the following:

*Resolved*, That the Senate bill No. 245, entitled "An act to incorporate the German American Loan and Mortgage Company be recommitted to the committee on banks, retaining its place on general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. D. P. Wood moved that the bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a Normal and Training School in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, and after some time spent therein, the hour of 12 o'clock having arrived, the President resumed the chair and announced the executive session.

Mr. McGowan moved that the executive session be postponed until 1 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of general orders, pending at the time of going into executive session, being the bills entitled as follows :

"An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869."

"An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York."

"An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution."

After some time spent therein, the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. D. P. Wood, and by unanimous consent, the first above-mentioned bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Allen	Dickinson	McGowan	Perry	Weismann
Baker	Foster	Madden	Robertson	Winslow
Benedict	Harrower	Murphy	Tiemann	D. P. Wood
Chatfield	Johnson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Madden, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the above bill, and that the same be referred to a select committee of eight to be appointed by the President.

Mr. Dickinson moved that such committee consist of one from each judicial district, and two from the State at large.

The President put the question whether the Senate would agree to said motion of Mr. Dickinson to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

Mr. Madden moved that the bill entitled "An act to dissolve the New York and Richmond Granite Company," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Allen moved that the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board

of water commissioners,' passed April 13, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Baker moved that the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to dissolve the New York and Richmond Granite Company." Assembly, "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

Assembly, "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington."

After some time spent therein the President resumed the chair, and Mr. D. P. Wood, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. D. P. Wood, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. D. P. Wood, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that bill entitled "An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of 1 o'clock having arrived, the President resumed the chair, and the Senate went into executive session.

After some time spent therein, the doors were opened and legislative business resumed, and the Senate proceeded to the consideration of general orders, being the bills entitled as follows:

"An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings."

"An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871."

"An act to incorporate the National American University of Music and other liberal Arts, in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Tiemann, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Tiemann, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The President announced the following select committee on the bill to fix the compensation of county judges and surrogates: Messrs. Robertson, Baker, Dickinson, McGowan, Winslow. Harrower, Lewis, Murphy and Johnson.

Mr. Perry moved that the bill entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Winslow moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President having announced the order of business general orders, Mr. Winslow moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Tiemann	Winslow	
Chatfield	Lewis	Madden	Wagner		9

FOR THE NEGATIVE.

Baker	Cock	Lord	O'Brien	Weismann	
Benedict	Graham	McGowan	Perry	D. P. Wood	
Bowen	Johnson	Murphy	Robertson		18

A message from His Excellency the Governor was received and read in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, March 20, 1872. }

To the Senate:

I respectfully transmit herewith charges and specifications presented to me, alleging official misconduct on the part of Horace G. Prindle, county judge of Chenango county, with petitions accompanying the same from respectable citizens of said county, asking me to recommend the removal of said Prindle from the office of county judge and surrogate, according to section 11 of article 6 of the Constitution; and also copies of the proceedings of the board of supervisors of said county, with reference to said county judge and his proposed removal from office.

I have heard the counsel for the petitioners and for the said judge, respectively, upon these charges, some of which relate to alleged official misconduct during his term of office immediately preceding his present term to which he was elected at the last general election, and others to alleged official misconduct during his present term.

The constitution evidently contemplates that the truth and sufficiency of the charges, in such cases as this, shall be tried by your honorable



**"An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York."**

**"An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego."**

**"An act concerning the duties of assessors and collectors of taxes in the several town and counties of the State, except in the counties of New York and Kings."**

**"An act to incorporate the National American University of Music and other liberal Arts in the city of New York."**

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled **"An act to amend the charter of the village of White Plains, in the county of Westchester,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled **"An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled **"An act to authorize the village of Greenbush to issue bonds for the purpose of raising money,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled **"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same, passed April 22, 1867, and also an act amending the same, passed April 27, 1871,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled **"An act to authorize the surrogates' courts of Erie county to appoint auditors,"** reported in favor of the passage of the same, with amendments, and have amended the title so as to read as follows: **"An act to authorize the surrogates' courts in all the counties of this State to appoint auditors,"** and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled **"An act to incorporate the New York Construction Company of the city of New York,"** reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled **"An act relating to resolutions and ordinances adopted by the common council of the city of New York,"** reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled **"An act relating to lands devised by David**

pany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Madden, the Senate adjourned.

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## THURSDAY, MARCH 21, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Robertson presented a petition of citizens of Westchester county for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act for the support and relief of the poor, and for the government of the poor department in the county of Erie,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to define the jail limits of the county of Jefferson," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the power and duties of the boards of supervisors of the county of Monroe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869."

"An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871."

"An act to dissolve the New York and Richmond Granite Company."

"An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York."

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Madden	Weismann
Allen	Cock	Harrower	Murphy	Winslow
Baker	Dickinson	Johnson	Robertson	D. P. Wood
Benedict	Foster	Lowery	Tiemann	19

On motion of Baker, and by unanimous consent, the bill was amended as follows :

Add at the end of first section "and in the third judicial district the justices of the supreme court may, in their discretion, appoint two stenographers."

Said bill, as amended, was then read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Madden	Wagner
Allen	Chatfield	Harrower	Murphy	Weismann
Baker	Cock	Lewis	O'Brien	Winslow
Benedict	Dickinson	Lowery	Robertson	D. P. Wood 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence in said amendment.

The Assembly sent for concurrence the following entitled bills :

"An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Mens' Christian Association of the city of Poughkeepsie,' passed April 12, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn, passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend title 12 of the charter of the city of Albany entitled the Police Department,' passed March 16, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in

Stanley, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the bill entitled "An act relating to courts of record and other courts in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was ordered engrossed for a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act in relation to the First Baptist church and society in Ogdensburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent the flooding of lands by reason of the construction of the State dam across the Tonawanda creek at the village of Tonawanda, passed June 5, 1871,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act for the improvement of the navigation of the Cayuga and Seneca canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented the statement of the comptroller of the city of New York relative to the sums paid on account of the new county court-house for building, furniture, etc., and the amount necessary to finish the same, in reply to a resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 61.)

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, March 20, 1872. }

To the Senate:

In compliance with the joint resolution of the Senate and Assembly, I return herewith for correction Senate bill No. 6, entitled "An act to amend an act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms in the sixth, seventh and eighth judicial districts, etc."

JOHN T. HOFFMAN.

the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate St. Agnes Cemetery of Syracuse, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Winslow, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the German American Loan and Mortgage Company," reported that the committee have had the same under consideration, have made some amendments thereto, and have directed their chairman to report the same for the consideration of the Senate.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings,' " etc., reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to prevent the furtive possession and use of slung shot and other dangerous weapons,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Cöck asked and obtained leave to intro-



duce a bill entitled "An act to incorporate the Depositors' Loan Institution of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The bill entitled "An act relating to courts of record, and other courts, in the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Weismann
Allen	Cock	Johnson	O'Brien	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Bowen	Foster	Lowery	Wagner	19

FOR THE NEGATIVE.

Tiemann	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Murphy	Wagner
Allen	Chatfield	Johnson	O'Brien	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	D. P. Wood 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Wagner
Allen	Cock	Johnson	O'Brien	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Madden	Tiemann	D. P. Wood
Bowen				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to dissolve the New York and Richmond Granite Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	Lowery	Robertson	Weismann
Baker	Foster	Madden	Tiemann	Winslow
Benedict	Harrower	Murphy	Wagner	D. P. Wood
Chatfield	Lewis	O'Brien		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Baker	Foster	Madden	Robertson	Winslow
Benedict	Lewis	Murphy	Tiemann	D. P. Wood
Chatfield	Lowery	O'Brien	Wagner	J. Wood
Cock	McGowan	Palmer	Weismann	

19

**FOR THE NEGATIVE.**

Allen	Johnson	
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871," having been announced for a third reading,

Mr. Benedict moved that the bill be recommitted to the committee on the judiciary.

Mr. Tiemann moved to amend by adding that the committee be instructed to so amend the same that all judicial proceedings should be had in the first and second judicial districts.

The President put the question whether the Senate would agree to said motion of Mr. Tiemann to amend, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Benedict	Tiemann	
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2

**FOR THE NEGATIVE.**

Adams	Dickinson	Lewis	O'Brien	Robertson
Allen	Foster	Lowery	Palmer	Weismann
Baker	Graham	McGowan	Perry	D. P. Wood
Chatfield	Johnson	Madden		

18

The President then put the question whether the Senate would agree to said motion of Mr. Benedict, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Benedict	Johnson	Murphy	Tiemann
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4

FOR THE NEGATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Allen	Dickinson	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Perry	Winslow
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield	Harrower			

22

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Allen	Dickinson	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Perry	Winslow
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield				

21

FOR THE NEGATIVE.

Benedict	Johnson	Tiemann		
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8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to lay out, open, and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Chatfield	Graham	Murphy	Weismann
Baker	Cock	Harrower	Perry	D. P. Wood
Benedict	Dickinson	Johnson	Robertson	J. Wood
Bowen	Foster	Lowery	Tiemann	

19

FOR THE NEGATIVE.

Lewis				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the National American University of Music and other liberal Arts in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Baker	Graham	Murphy	Weismann	J. Wood
Chatfield	Harrower	Perry		

18

FOR THE NEGATIVE.

Benedict				
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1

majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Robertson	Weismann	
Baker	Foster	Madden	Tiemann	Winslow	
Benedict	Harrower	Murphy	Wagner	D. P. Wood	
Chatfield	Lewis	O'Brien			18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Foster	Madden	Robertson	Winslow	
Benedict	Lewis	Murphy	Tiemann	D. P. Wood	
Chatfield	Lowery	O'Brien	Wagner	J. Wood	
Cock	McGowan	Palmer	Weismann		19

## FOR THE NEGATIVE.

Allen	Johnson				2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871," having been announced for a third reading,

Mr. Benedict moved that the bill be recommitted to the committee on the judiciary.

Mr. Tiemann moved to amend by adding that the committee be instructed to so amend the same that all judicial proceedings should be had in the first and second judicial districts.

The President put the question whether the Senate would agree to said motion of Mr. Tiemann to amend, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Tiemann				2
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## FOR THE NEGATIVE.

Adams	Dickinson	Lewis	O'Brien	Robertson	
Allen	Foster	Lowery	Palmer	Weismann	
Baker	Graham	McGowan	Perry	D. P. Wood	
Chatfield	Johnson	Madden			18

The President then put the question whether the Senate would agree to said motion of Mr. Benedict, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Johnson	Murphy	Tiemann		4
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FOR THE NEGATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Allen	Dickinson	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Perry	Winslow
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield	Harrower			

22

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Wagner
Allen	Dickinson	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Perry	Winslow
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield				

21

FOR THE NEGATIVE.

Benedict	Johnson	Tiemann		
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to lay out, open, and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Chatfield	Graham	Murphy	Weismann
Baker	Cock	Harrower	Perry	D. P. Wood
Benedict	Dickinson	Johnson	Robertson	J. Wood
Bowen	Foster	Lowery	Tiemann	

19

FOR THE NEGATIVE.

Lewis				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the National American University of Music and other liberal Arts in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Baker	Graham	Murphy	Weismann	J. Wood
Chatfield	Harrower	Perry		

18

FOR THE NEGATIVE.

Benedict				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Madden	Weismann
Allen	Graham	Lord	Perry	Winslow
Baker	Harrower	Lowery	Robertson	D. P. Wood
Cock	Johnson	McGowan	Tiemann	J. Wood 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act to amend chapter 310, Laws of 1864, being an act to incorporate the Fourier's Protective Union," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act for the relief of J. Rowe Fanning," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend an act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany, passed May 4, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Chatfield	Graham	McGowan	Wagner	D. P. Wood
Cock	Harrower	Madden		18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New

York, across the East river to Green Point, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	Murphy	Weismann
Baker	Foster	Lewis	Perry	Winslow
Chatfield	Graham	Lowery	Robertson	D. P. Wood
Cock	Harrower	McGowan	Tiemann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *March 20, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to extend the provisions of chapter 113 of the Laws of the year 1850, entitled 'An act declaring Indian river a public highway.'"

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Enos said bill was referred to the committee on internal affairs, and amended by said committee by adding, at the end of section 1, the following words :

"Provided that any and all parties before using said river as a public highway shall execute a bond, approved by a majority of the town boards of the towns of Antwerp and Wilna in Jefferson county, and Diana in Lewis county, and deliver the same at the town clerks' offices of the respective aforesaid towns, and to be there filed as a good and sufficient security against any and all property, public or private ; such as bridges, booms, dams, mills, machinery, etc., etc., that are now, or may hereafter be, erected on said river by using it as a public highway."

And as amended passed, and ordered sent to the Senate for concurrence.

By order,

C. S. UNDERWOOD, *Clerk.*

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	McGowan	Robertson
Baker	Dickinson	Johnson	Murphy	Weismann
Benedict	Foster	Lewis	O'Brien	Winslow
Chatfield	Graham	Lowery	Perry	D. P. Wood

20

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	O'Brien	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Benedict	Foster	Lord	Robertson	Winslow
Chatfield	Graham	McGowan	Tiemann	D. P. Wood

20



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871,' and to further amend chapter 333 of the Laws of 1867," with a message that they had concurred in the passage thereof, with the following amendment.

Amend the title so as to read as follows: An act to amend an act to provide for a supply of water in the city of Poughkeepsie; and for sewers therein, passed April 12, 1867; and also to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 9, 1870, and also to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 19, 1871."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	O'Brien	Wagner
Baker	Foster	Lord	Palmer	Weismann
Benedict	Graham	McGowan	Robertson	Winslow
Bowen	Harrower	Madden	Tiemann	D. P. Wood
Chatfield	Johnson			

22

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in their amendment.

Mr. Johnson called from the table the concurrent resolution, as follows:

*Whereas*, At the last session of the Legislature, the following amendment to the Constitution was passed in Senate and Assembly, viz:

That section 2 of article 2 of the Constitution of this State be amended so that it shall read as follows:

"§ 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and for depriving every person who shall make or become, directly or indirectly, interested in any wager depending upon the result of any election, or who shall pay, give or receive, or promise to pay or give money or other property or valuable consideration, with intent to influence any elector in giving his vote, or to deter any elector from voting, or from the right to vote at such election, or from holding any office voted for at such election;" and

*Whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the then next general election of Senators; and

*Whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore

*Resolved* (if the Assembly concur), That the Senate do agree to the proposed amendment.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Murphy	Tiemann
Allen	Dickinson	Lord	O'Brien	Wagner
Baker	Foster	Lowery	Palmer	Weismann
Benedict	Graham	McGowan	Perry	Winslow
Bowen	Harrower	Madden	Robertson	D. P. Wood
Chatfield	Johnson			

27

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Lewis moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	O'Brien	Tiemann
Allen	Foster	Lewis	Palmer	Wagner
Baker	Graham	Lord	Perry	Winslow
Benedict	Harrower	Lowery	Robertson	D. P. Wood
Chatfield				

21

FOR THE NEGATIVE.

Murphy
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1

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Palmer	Wagner
Allen	Foster	Lowery	Perry	Weismann
Benedict	Harrower	McGowan	Robertson	Winslow
Bowen	Lewis	O'Brien		

18

FOR THE NEGATIVE.

Cock	Madden	Murphy	Tiemann	D. P. Wood
Graham				

6

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Adams, from the committee on the affairs of cities, to which was referred the bill entitled "An act confirming certain proceedings of the common council of the city of Buffalo authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend title 12 of the charter of the city of Albany entitled the police department, passed March 16, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to revise and amend an act entitled "An act to incorporate the village of Canton," passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871."

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled as follows:

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road."

"An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

"An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869."

*Ordered*, That the Clerk deliver said bills to the Governor.

The hour of twelve o'clock having arrived, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bills entitled as follows:

"An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes."

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

"An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

On motion of Mr. Madden, the Senate took a recess until half past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend sections 29, 349, and 350 of title 9, chapter 9 of part 1 of the Revised Statutes in relation to the canals of this State and their management," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act to provide for a vote of the inhabitants of the towns of Little Falls, Manheim and Danube, in the county of Herkimer, upon the question of the completion of the bridge over the Mohawk river at Fink's Basin, in the county of Herkimer, and to provide for the payment of the indebtedness incurred by the commissioners of said towns on account of said bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bills entitled as follows :

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

"An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

After some time spent therein the President resumed the chair, and Mr. D. P. Wood, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. D. P. Wood, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Madden moved that the committee of the whole be discharged from further consideration of said bill, and that the same be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

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## FRIDAY, MARCH 22, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Robertson presented four petitions of citizens of Westchester and Erie counties, and others, for State prohibition; which were read and referred to the committee on the judiciary.

Mr. Wagner presented a remonstrance against the act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company; which was read and referred to the committee on roads and bridges.

Mr. Benedict presented a petition of Bond street Homœopathic Dispensary for aid; which was read and referred to the committee on finance.

Also, a petition of trustees of Middleburgh Academy for increase of Literature Fund; which was read and referred to the committee on literature.

Also, an application to change the name of the Board of Foreign Missions of the Reformed Protestant Dutch Church, to Board of Foreign Missions of the Reformed Church of America; which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act in relation to the clerks of the marine court of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to improve the West river and its tributaries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to change the name of Richmond county to Staten Island," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act declaratory of and to amend chapter 925 of the Laws of 1871, passed May 12, 1871, entitled 'An act to amend



chapter 907 of the Laws of 1869, entitled an act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of said roads, and also to amend chapter 507 of the Laws of 1870, entitled An act to define the powers of commissioners appointed under chapter 907 of Laws of 1867, bonding municipalities to aid in the construction of railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act to amend the charter of the city of Brooklyn, passed April 19, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was recommended the bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry moved to refer said bill to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act for the security of mechanics and others erecting buildings, and furnishing materials therefor, in any of the counties of this State," reported in favor of the passage of the same, with amendments, and have amended the title so as to read as follows: "An act for the security of mechanics and others erecting buildings, wharves, piers, bulk-heads or bridges, and furnishing materials therefor, in any of the counties of this State," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act relating to lands in the city of New York devised by Francis Wiener, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," reported in favor of the



passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for a vote of the inhabitants of the towns of Little Falls, Manheim, and Danube, in the county of Herkimer, upon the question of the completion of the bridge over the Mohawk river at Finck's basin, in the county of Herkimer, and to provide for the payment of the indebtedness incurred by the commissioners of said towns on said bridge," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to amend an act to incorporate the New York Loan and Improvement Company, passed May 6, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railroad companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York; and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

"An act for the relief of Cornelia Townsend."

"An act supplemental to, and amendatory of, chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages, and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages, and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, ALBANY, *March* 21, 1872.

On motion of Mr. Wiley,

*Resolved* (if the Senate concur), That a respectful message be sent to

His Excellency the Governor requesting the return of Assembly bill No. 206, entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," to this House for amendment.

By order,

C. S. UNDERWOOD, *Clerk*.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, ALBANY, *March 21, 1872.*

On motion of Mr. Husted,

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return to the Assembly the Assembly bill No. 109, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes.'"

By order,

C. S. UNDERWOOD, *Clerk*.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Johnson moved that when the Senate adjourn to-day it adjourn to meet on Monday evening next at half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bowen	Johnson	Murphy	8
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FOR THE NEGATIVE.

Adams	Cock	Harrower	Perry	Winslow	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Graham	Madden	Weismann	J. Wood	15

Mr. Dickinson offered the following :

*Resolved*, That one hundred extra copies of Senate bill No. 189, being an act to establish the compensation of county judges, be ordered printed for the use of the Senate.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof,

and to legalize the acts of said company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was referred the bill entitled "An act relating to mounted batteries of artillery of the National Guard," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to enable the Astoria and Hunter's Point Railroad Company to extend their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Long Island City and Maspeth Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act authorizing the removal of the remains of all persons interred in Monroe Street Cemetery, in the city of Rochester, to Mount Hope or other cemetery in the city, and the taking of the lands included within the bounds of said Monroe Street Cemetery by the city of Rochester for public school and park purposes; also the issue of bonds by said city to defray the expense thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden moved that the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict moved that the bill entitled "An act for the relief of Cornelia Townsend," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Perry moved that the bill entitled "An act to provide for the transfer of the duties of the registrar of arrears of taxes of the city of Brooklyn, and to abolish the office of the same," be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York."

"An act for the relief of Cornelia Townsend."

Assembly, "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Madden moved that said bill be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to.

On motion of Mr. Benedict, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Madden	Weismann
Allen	Cock	Harrower	Murphy	Winslow
Baker	Dickinson	Lowery	O'Brien	D. P. Wood
Benedict	Foster	McGowan	Perry	J. Wood
				20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to repeal chapter 916 of the Laws of 1869, so far as it relates to the classification of directors of the New York Central, Hudson River and Harlem Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 140 of the Laws of 1850, and chapter 775 of the Laws of 1867, entitled 'An act to authorize the formation of railroad companies, and to regulate the same,'" reported adversely thereto, which report was agreed to.

Mr. Benedict offered the following:

*Resolved*, That Hon. Henry C. Murphy, acting president *pro tem*, by authority of the President, under rule 4, be authorized to make the proper signature to bills, as such acting president, and that a copy of this resolution be sent to the Assembly and to His Excellency the Governor.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to regulate railroad freight in the State of New York," reported in writing, and adversely thereto.

(See Doc. No. 65.)

Mr. Johnson moved to lay the question upon agreeing to the report of the committee on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Weismann moved that the bill entitled "An act to authorize the Second Avenue Railroad Company, in the city of New York, to extend their tracks and operate the same," be considered in the first committee of the whole.

The President then put the question whether the Senate would agree

to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict moved that the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Adams moved that the Assembly bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled 'the Police Department,' passed March 16, 1870," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

Assembly, "An act to amend title 12 of the charter of the city of Albany, entitled 'the Police Department,' passed March 16, 1870."

"An act to authorize the Second Avenue Railroad Company in the city of New York, to extend their tracks and operate the same."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Madden	Weismann
Allen	Dickinson	Lewis	O'Brien	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	McGowan	Wagner	J. Wood

20

#### FOR THE NEGATIVE.

Murphy

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Allen, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Benedict moved that the committee of the whole be discharged from further consideration of said bill, and that the same be ordered engrossed for a third reading.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Harrower	Perry	Weismann
Baker	Foster	Murphy	Robertson	D. P. Wood
Benedict	Graham	O'Brien	Wagner	J. Wood
Cock				

16

## FOR THE NEGATIVE.

Bowen

1

The conference committee on the part of the Senate and Assembly, to which was referred the resolution of the Assembly, passed February 28, 1872, in the following words, to wit:

*Resolved* (if the Senate concur), That five hundred copies of the Clerk's Manual be printed under the direction of the clerk, with the amended joint and Assembly rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy," and as amended by the Senate, March 6, 1872, as follows:

Strike out the words "five hundred," and insert in lieu thereof the words "one hundred and twenty-eight;" after the word "manual" insert the words "for the use of the Assembly, and thirty-three for the use of the Senate."

Strike out the words "for the use of the Assembly."

Report that they have adopted, in lieu thereof, the following, viz:

*Resolved*, That six hundred and fifty copies of the Clerk's Manual be printed under the direction of the clerks of the Senate and Assembly, with the amended joint and Assembly rules therein, five hundred for the use of the Assembly and one hundred and fifty for the use of the Senate, at a price not exceeding one dollar per copy.

W. H. ROBERTSON,  
L. L. LEWIS,  
TOWNSEND D. COCK,  
*Senate Committee.*

JAMES W. HUSTED,  
GEO. C. BENNETT,  
AMOS V. SMILEY,  
M. M. TOMPKINS,  
GEO. H. MACKEY,  
*Assembly Committee.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

By unanimous consent, Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the St. Lawrence Bridge Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Wagner, from the committee on railroads, to which was recommitted the bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole, retaining its place on general orders.

By unanimous consent, Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the city of Buffalo to borrow money, and to subscribe to the capital stock of the



Buffalo and Jamestown Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker moved that the bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Troy," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Lewis, and by unanimous consent, the bill entitled "An act to authorize the city of Buffalo to borrow money and to subscribe to the capital stock of the Buffalo and Jamestown Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Lowery	Robertson	
Baker	Dickinson	Johnson	McGowan	Wagner	
Benedict	Foster	Lewis	O'Brien	Winslow	
Bowen	Graham	Lord	Perry	J. Wood	20

By unanimous consent, the rule was suspended, and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Johnson moved that an executive session be held at one o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Graham moved that the committee of the whole be discharged from further consideration of the Assembly bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and counties of this State," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	Weismann	
Baker	Foster	Lewis	Murphy	Winslow	
Benedict	Graham	Lord	Perry	D. P. Wood	
Bowen	Harrower	Lowery	Robertson	J. Wood	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Winslow
Allen	Foster	Lewis	Robertson	D. P. Wood
Baker	Graham	Lord	Weismann	J. Wood
Cock	Harrower	O'Brien		

18

FOR THE NEGATIVE.

Lowery	McGowan	
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cock moved that the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton, passed April 26, 1866, and an act amending the same,' passed April 22, 1867, and also an act amending the same, passed April 27, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for the better administration of the estates of deceased persons."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of New Brighton, passed April 26, 1866, and an act amending the same,' passed April 22, 1867; and also an act amending the same, passed April 27, 1871."

"An act authorizing the construction of a bridge across the Hudson river at the city of Troy."

After some time spent therein the President resumed the chair, and Mr. Lord, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Lord, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lord, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The bill entitled "An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes,'" was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Robertson	Winslow
Bowen	Graham	Lord	Wagner	D. P. Wood
Cock	Harrower	Madden	Weismann	J. Wood
Dickinson	Johnson	O'Brien		

18

FOR THE NEGATIVE.

Allen	Lowery	McGowan	Murphy	4
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Benedict, the executive session was postponed until half past one o'clock, P. M.

On motion of Mr. O'Brien, and by unanimous consent, the following resolution was adopted:

*Resolved*, That Senate bill No. 290 relating to resolutions and ordinances adopted by the common council of the city of New York be referred to the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville.'"

"An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association."

"An act relating to resolutions and ordinances adopted by the common council of the city of New York."

After some time spent therein the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, and after some time spent therein, the hour of half past one o'clock having arrived, the acting President resumed the chair and announced the executive session.

After some time spent therein, the doors were opened and legislative business resumed, and the Senate proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871."

Assembly, "An act to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners."

"An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York, and to repeal chapter 572, of the Laws of 1871, entitled 'An act to amend an act entitled An act in relation to elections in the city and county of New York.'"

After some time spent therein the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of

the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Adams, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Dickinson, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the village of Rhinebeck,' passed February 2, 1867, and passed April 21, 1870," reported adversely thereto, which report was agreed to.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend an act entitled 'An act to revise the charter of Long Island City.'"

"An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869."

"An act to amend an act entitled 'An act to incorporate the village of Goshen, passed April 18, 1843,' and passed March 26, 1866."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

"An act to amend an act entitled 'An act to amend an act, passed July 21, 1853, entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads," passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855."

*Ordered,* That the Clerk return said bills to the Assembly.

Mr. Foster offered the following:

*Whereas,* The State of New York on the 15th day of September, 1795, entered into a treaty with the tribe of Oneida Indians, whereby the said tribe gave a perpetual lease to the State for certain lands in Madison county for an annual consideration to be paid to said Indians of three dollars per each hundred acres of land so leased; and whereas the State for the period of some twenty-five years has ceased or neglected to pay the consideration for the land so leased, now therefore

*Resolved,* That the Commissioners of the Land Office be required to report to the Senate if any treaty subsequent to that of 15th September, 1795, has been made by such tribe of Indians with the State, by which the use of said lands has become absolute in the State, or by what cause, authority or reason the payment of said annuity has been withheld from said tribe, and whether the State has conveyed any of said lands in fee simple.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Cock, the Senate adjourned.

## SATURDAY, MARCH 23, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend article 4, of title 1, of chapter 8, of part 1, of the Revised Statutes, entitled 'Of Separations or Limited Divorces,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on militia, to which was referred the bill entitled "An act to establish a rifle range, and to promote skill in marksmanship among the National Guard," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on State prisons, to which was referred the bill entitled "An act to amend an act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany, passed May 4, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Nassau Bridge Company, for the purpose of constructing and maintaining a bridge over the East river between the counties of New York and Queens," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the American Improvement Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Depositors Loan Institution of the city of New York," reported adversely thereto; which report was agreed to.

The Assembly sent for concurrence the bills entitled as follows:

"An act to establish a department of police and health in and for the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the Erie canal, the second, third and other

wards of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Lewis offered the following:

*Resolved*, That Senators Winslow, Adams, Bowen, Lowery, Graham, Woodin, Johnson, McGowan and Perry be appointed as a select committee of nine, to whom shall be referred the bills on general orders, with power to select therefrom such bills as they may deem proper, and report the same complete. The committee shall hold open meetings at stated hours, at some stated place, either in the Senate chamber or a committee room. It shall take no action upon any bill except at a regular meeting of the committee, and with six members being present. They shall take up the bills in the order in which they stand upon the calendar of general orders, and in all cases the votes of six members of the committee shall be necessary to report a bill. No bill shall be reported by said committee making an appropriation from the treasury of the State, or involving any claims against the State, nor any bill relating to city railroads, nor any bill reported for consideration of the Senate, nor any bill from which a minority of a standing committee has dissented, nor any bill bonding towns for railroad purposes, nor any bill to which any Senator shall file an objection with the chairman of the committee. The committee shall make a list of the bills so taken off by them, which list shall be read by the Clerk, and if approved by a majority of all the members of the Senate, the said bills shall be ordered to a third reading. Any bill reported complete may, when a question of agreeing to the report of the committee is taken up, be referred back to the committee of the whole upon the demand of thirteen Senators. The Clerk of the Senate shall act as the clerk of the select committee.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict offered the following:

*Resolved*, That Senate rule 2 be amended by adding, at the end of the 12th order of business, the following amendment: "In calling bills in the order of general orders, the Clerk, unless otherwise ordered, shall commence each day where he left off the day of the last call."

*Ordered*, That said resolution be laid on the table.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act further to amend an act passed May 8, 1869, entitled 'An act to incorporate the city of Watertown,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to reorganize the local government of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer moved that the report be printed immediately, and that the consideration of the same be made a special order for Tuesday next, immediately after the reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President presented the fifth annual report of the Managers of the



Hudson River State Hospital for the year 1871; which was laid on the table and ordered printed.

(*See Doc. No. 63.*)

Mr. Madden moved that when the Senate adjourn to-day it adjourn to meet on Monday next at half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to provide for the better administration of estates of deceased persons."

"An act to authorize the transportation of passengers in the city of New York by means of street railways to be constructed through certain streets and avenues therein."

Assembly, "An act in relation to the Chemung Railroad Company."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Dickinson, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Dickinson, from said committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the city of New York to extend their railroad tracks through certain streets and avenues in the city of New York."

Assembly, "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

Assembly, "An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Madden moved that the vote by which the report of the committee was agreed to be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved that the committee of the whole be discharged from further consideration of said bill, and that the same be ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McGowan, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

By unanimous consent, Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the contracting board and the

system of repairing the canals by contract," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act authorizing the creation of the office of State Inspector of Cattle, and the appointment of an inspector thereto, such inspector to be located and resident at the city of Buffalo in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act in regard to trials for injuries in actions against common carriers of passengers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to amend the charter of the Reserve Mutual Life Insurance Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the making an extension or branch of the Gowanus canal in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *March 23, 1872.*

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting him to return to this House, for amendment, Assembly bill No. 10, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict moved that the committee on the judiciary be discharged from further consideration of the bill entitled "An act relating to resolutions and ordinances adopted by the common council of the city of New York," and that the same be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Dickinson, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act revising, amending and consolidating the charter of, and several acts relating to the village of Geneseo, in the county of Livingston, modify-

ing the powers of the corporation, and the duties of its officers," reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865."

Assembly, "An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York."

"An act in relation to the improvement of streets in the city of New York between Sixth and Seventh avenues, and north of the southerly line of One Hundred and Tenth street."

After some time spent therein, the President resumed the chair, and Mr. Graham, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Palmer, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Palmer, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *March 22, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road.

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Moseley, and by unanimous consent, the same was amended as follows:

Add to section 1 the following:

"And all the provisions of chapter 150 of the Laws of 1850, and all acts supplemental to and amendatory thereof, are hereby made applicable to such extension and its construction."

And as amended passed, and ordered sent to the Senate for concurrence.

Mr. Bowen moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Foster	Palmer	Weismann	J. Wood
Bowen	Lewis	Perry		

18

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams  
Baker  
Benedict  
Bowen

Cock  
Dickinson  
Foster  
Lewis

Lowery  
McGowan  
Palmer

Perry  
Robertson  
Tiemann

Weismann  
Winslow  
J. Wood

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled as follows:

"An act to amend an act to provide for a supply of water in the city of Poughkeepsie and for sewers therein," passed April 12, 1867; and also to amend an act entitled 'An act to provide for a supply of water in the city of Poughkeepsie and for sewers therein,' passed April 12, 1867; passed April 9, 1870; and also to amend an act entitled 'An act to amend an act entitled "An act to provide for a supply of water in the city of Poughkeepsie and for sewers therein,"' passed April 12, 1867; passed April 19, 1871."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Cock, the Senate adjourned.

## MONDAY, MARCH 25, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Johnson.

The journal of Saturday was read and approved.

Messrs. Harrower and Robertson presented petitions for State prohibition of the sale of intoxicating liquors as a beverage; which were read and referred to the committee on the judiciary.

Mr. Lord presented a petition of citizens of Rochester for a law to exempt mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Benedict presented a memorial of citizens for the preservation of forests and game in northern New York, by means of a public forest park; which was read and referred to the committee on the judiciary.

Mr. O'Brien presented a remonstrance against the passage of the Gilbert Elevated Railway; which was read and referred to the committee on railroads.

Mr. Robertson, from a majority of the committee on commerce and navigation, to which was recommitted the bill entitled "An act to amend an act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river, at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river, passed May 16, 1871," reported the same for the consideration of the Senate, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to military exemptions,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the annual report of the Society of the New York Hospital and Bloomingdale Asylum; which was laid on the table and ordered printed.

*(See Doc. No. 66.)*

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend chapter 908 of the Laws of 1867, entitled 'An act for the regulation of tenement and lodging houses in the cities of New York and Brooklyn,' passed May 14, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to legalize the acts of David B. Barnum as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend article 2, of title 12, of chapter 18, of part 1, of the Revised Statutes relating to incorporations for manufacturing purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to incorporate the Mannergesang Verein Colonia of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to organize a board of school commissioners in and for the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to incorporate the Washington Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the further security of creditors of moneyed corporations."

"An act to regulate places of public amusement in the city of New York."

"An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them."

After some time spent therein, the President resumed the chair, and



Mr. Winslow, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Winslow moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Winslow, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that the bill entitled "An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood moved that the bill entitled "An act for the further security of creditors of moneyed corporations," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Chatfield moved to take from the table the following resolutions:

*Resolved*, That the report of the select committee to investigate the charges against Senator James Wood be accepted, and the committee discharged from further consideration of the subject.

*Resolved*, That Hon. James Wood, Senator of the Third district, be and is hereby expelled from his seat as a member of this Senate.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Chatfield moved that the same be made the special order for Thursday next at twelve o'clock, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them."

"An act in relation to the formation of railroad companies."

"An act for the further security of creditors of moneyed corporations."

After some time spent therein the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Foster, the Senate adjourned.



TUESDAY, MARCH 26, 1872.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Benedict moved that the special order of the day, being the bill entitled "An act to reorganize the local government of the city of New York," be postponed until 12 o'clock M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Loan and Improvement Building Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Tiemann presented a petition of Mount Sinai Hospital for aid; which was read and referred to the committee on finance.

Mr. Chatfield presented a petition of the common council of Binghamton to amend water act for said city; which was read and referred to the committee on the affairs of cities.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to clear and regulate the court-house property of the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the improvement of streets in the city of New-York, between Sixth and Seventh avenues, and north of the southerly line of 110th street."

"An act to authorize the Second Avenue Railroad Company, in the city of New York, to extend their tracks and operate the same."

"An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their tracks through certain streets and avenues in the city of New York."

"An act to authorize the transportation of passengers in the city of

New York, by means of street railways, to be constructed through certain streets and avenues therein."

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

"An act to regulate places of public amusement in the city of New York."

"An act in relation to the formation of railroad companies."

"An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceeding against them."

"An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville.'"

"An act authorizing the construction of a bridge across the Hudson river at the city of Troy."

"An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865."

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1867 (re-engrossed).'"

The Assembly sent for concurrence a resolution in the words following:

IN ASSEMBLY, *March 25, 1872.*

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return to the Assembly for amendment the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE:

Adams	Cock	Lowery	Robertson	Weismann
Benedict	Dickinson	Madden	Tiemann	Winslow
Bowen	Fester	Perry	Wagner	D. P. Wood
Chatfield	Graham			

17

FOR THE NEGATIVE.

Lewis	Lord	
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Dickinson, from the committee on the affairs of villages, to which

was referred the Assembly bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the Laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled "An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton,"' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Benedict	Dickinson	Lewis	Perry	Weismann
Bowen	Foster	Lowery	Robertson	Winslow
Chatfield	Graham	Madden	Tiemann	D. P. Wood
Cock	Harrower	O'Brien	Wagner	J. Wood

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Chemung Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Johnson	Madden	Robertson	Winslow
Chatfield	Lewis	O'Brien	Wagner	D. P. Wood
Foster	Lord	Perry	Weismann	J. Wood
Graham	Lowery			

17

FOR THE NEGATIVE.

Benedict	Bowen	Tiemann	8
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Troy," having been announced for a third reading,

On motion of Mr. Baker, and by unanimous consent, the bill was amended as follows:

Section 3, line 3, engrossed bill, after the name "Spicer," strike out the words "of Troy."

Same section, line 4, after the name "Francis S. Thayer," insert the words "of Troy."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Weismann
Baker	Foster	Madden	Tiemann	Winslow
Benedict	Graham	O'Brien	Wagner	D. P. Wood
Chatfield	Johnson	Perry		18

FOR THE NEGATIVE.

Bowen	Lewis			2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Graham	Madden	Tiemann	D. P. Wood 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Second Avenue Railroad Company in the city of New York to extend their tracks and operate the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Robertson	Weismann
Baker	Dickinson	O'Brien	Tiemann	Winslow
Chatfield	Foster	Perry	Wagner	D. P. Wood 15

FOR THE NEGATIVE.

Lowery				1
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Mr. Tiemann moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Robertson	Winslow
Baker	Cock	Madden	Tiemann	D. P. Wood
Benedict	Dickinson	O'Brien	Wagner	J. Wood
Bowen	Foster	Perry	Weismann	Woodin 20

On motion of Mr. Tiemann, and by unanimous consent, the bill was amended as follows:

Add, for section four, the following:

"SEC. 4. The said company shall not be allowed to use steam on any portion of their road."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	O'Brien	Wagner	D. P. Wood
Baker	Foster	Perry	Weismann	J. Wood
Benedict	Lord	Robertson	Winslow	Woodin
Chatfield	Madden	Tiemann		

18

## FOR THE NEGATIVE.

Bowen				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Robertson	Winslow
Baker	Dickinson	Lewis	Tiemann	D. P. Wood
Benedict	Foster	Lord	Wagner	J. Wood
Bowen	Graham	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company of the city of New York to extend their railroad tracks through certain streets and avenues in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Benedict	Foster	Lowery	Tiemann	D. P. Wood
Chatfield	Graham	Madden	Weismann	J. Wood
Cock	Lewis	Perry	Winslow	Woodin
Dickinson	Lord	Robertson		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton, passed April 26, 1866, and an act amending the same, passed April 22, 1867; and also an act amending the same,' passed April 27, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Tiemann	D. P. Wood
Chatfield	Graham	Madden	Wagner	J. Wood
Cock	Johnson	Perry	Weismann	Woodin
Dickinson	Lewis	Robertson	Winslow	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Robertson	Winslow
Baker	Graham	Lord	Tiemann	D. P. Wood
Chatfield	Harrower	Madden	Wagner	J. Wood
Cock	Johnson	Perry	Weismann	Woodin
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Chatfield	Graham	Madden	Wagner	J. Wood
Cock	Johnson	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the transportation of passengers in the city of New York by means of street railways to be constructed through certain streets and avenues therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	D. P. Wood
Baker	Dickinson	Lord	Robertson	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Harrower			

17

FOR THE NEGATIVE.

Cock	Lowery	Tiemann	Winslow
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



Mr. Madden offered the following :

*Resolved*, That two hundred copies of the Senate bill No. 314, entitled "An act to reorganize the local government of the city of New York," be printed for the use of the Senate.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Madden	Wagner	
Baker	Cock	Harrower	Perry	Weismann	
Benedict	Dickinson	Johnson	Robertson	D. P. Wood	
Bowen	Foster	Lord	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Weismann	
Baker	Foster	Lewis	Robertson	Winslow	
Bowen	Graham	Lord	Tiemann	D. P. Wood	
Chatfield	Harrower	Lowery	Wagner	Woodin	
Cock					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to regulate places of public amusement in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Winslow	
Benedict	Foster	Lewis	Robertson	D. P. Wood	
Bowen	Graham	Lord	Tiemann	J. Wood	
Chatfield	Harrower	Lowery	Weismann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lord	Tiemann	D. P. Wood
Benedict	Graham	Lowery	Wagner	J. Wood
Bowen	Harrower	Perry	Weismann	Woodin
Chatfield	Johnson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to the formation of railroad companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Robertson	Winslow
Baker	Graham	Lord	Tiemann	D. P. Wood
Chatfield	Harrower	Lowery	Wagner	J. Wood
Dickinson.	Johnson	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the improvement of streets in the city of New York between Sixth and Seventh avenues, and north of the southerly line of One Hundred and Tenth street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Robertson	Winslow
Baker	Graham	Lord	Tiemann	D. P. Wood
Benedict	Harrower	Lowery	Wagner	J. Wood
Chatfield	Johnson	Perry	Weismann	Woodin
Dickinson				

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the Assembly bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power, and duties," with a message that they had non-concurred in the amendments of the Senate thereto, have appointed a committee of conference thereon consisting of Messrs. Lincoln, Goss, Dykeman, M. M. Tompkins, and Roche, and request a like committee on the part of the Senate.

Mr. Johnson moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts and courts of oyer and terminer and special terms of the supreme court in the sixth, seventh, and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to authorize corporations to hold and convey real estate for business purposes in other States with the consent thereof."

"An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica of which Owen J. Owens died possessed to Owen Griffiths, his nephew."

"An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury."

*Ordered*, That the Clerk deliver said bills to the Governor.

In pursuance of previous notice, Mr. Benedict offered the following:

*Resolved*, That Senate rule 2 be amended by adding at the end of the 12th order of business the following: "In calling bills in the order of general orders, the Clerk, unless otherwise ordered, shall commence each day where he left off the day of the last call."

Mr. D. P. Wood moved to amend by inserting after the word "ordered" the following words, "by a majority of the Senators voting."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow moved to refer the resolution to the committee on rules.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow	
Baker	Graham	O'Brien	Wagner	J. Wood	
Bowen	Harrower				12

#### FOR THE NEGATIVE.

Benedict	Cock	Lord	Weismann	D. P. Wood	
Chatfield	Lewis	Tiemann			8

Mr. Johnson moved that the Assembly bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs."

Assembly, "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871."

"An act relative to the Washington Street and State Asylum Railroad Company."

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Benedict, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to incorporate the Oswegatchie Bridge Company."

Assembly, "An act to regulate a ferry between the cities of New York and Brooklyn."

After some time spent therein the President resumed the chair, and Mr. Graham, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Graham, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

The hour of twelve o'clock having arrived, the Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to reorganize the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Palmer moved the bill be made the special order for this evening at half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Cock, the Senate took a recess until half past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to reorganize the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Palmer moved that the bill be made the special order for to-morrow morning at half past ten o'clock, A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Madden, the Senate adjourned.

## WEDNESDAY, MARCH 27, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Johnson.

The journal of yesterday was read and approved.

Mr. Chatfield presented a petition of the trustees of the village of Whitney's Point about their corporate affairs; which was read and referred to the committee on the affairs of villages.

Mr. Benedict presented a memorial of the bar association of New York, in relation to the Code of Procedure; which was read and referred to the committee on the judiciary.

Mr. Wagner presented a petition of citizens of Canajoharie for a law for the purchase of fire engine, etc.; which was read and referred to the committee on the affairs of villages.

Mr. Murphy presented a petition of property owners for opening Flatbush avenue, in the county of Kings; which was read and referred to the committee on the affairs of cities.

Also, a remonstrance against the same; which was read and referred to the committee on the affairs of cities.

Mr. Lowery presented a petition of citizens for an act to allow the justices of the supreme court to fix time of holding of courts; which was read and referred to the committee on the judiciary.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in purchasing of stock in the Syracuse and Binghamton railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the city of Kingston," reported in favor of the passage of the same.

On motion of Mr. Chatfield, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Weismann
Baker	Cock	Johnson	Madden	Winslow
Benedict	Dickinson	Lewis	Robertson	J. Wood
Bowen	Foster	Lord	Tiemann	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Johnson, and by unanimous consent, the rules were suspended and the committee of the whole discharged from the consideration of the Assembly bill entitled "An act to amend chapter 65, Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," and the same was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Benedict	Foster	Lord	Robertson	D. P. Wood
Bowen	Graham	Lowery	Tiemann	J. Wood
Chatfield				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the bill entitled "An act to consolidate the city and county of New York, and to provide regulations for the government thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to amend the several acts in relation thereto,' passed March 26, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the water commissioners of the city of Watertown to borrow money for the construction of a reservoir and for other purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act relating to the Erie Railway Company, repealing chapter 916 of the Laws 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the election of directors of said company, and the transfer of its stock,' passed March 20, 1872," reported adversely thereto, which report was agreed to.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to create a board of commissioners of city railways, and to provide means of rapid transit in the city of New York," reported adversely thereto, which report was agreed to.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Underground Railway Company," reported adversely thereto.

Mr. Bowen moved to lay the report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen offered the following concurrent resolution, proposing an amendment to the Constitution relative to State prisons.

*Resolved* (if the Assembly concur), That the following amendment to the Constitution be proposed for adoption to the people of the State, to wit;

1. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies in the office of manager thus or otherwise occurring shall be filled in like manner.

2. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to county jails and other penal and reformatory institutions in this State as the Legislature may prescribe.

3. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the Legislature or the board may prescribe, and shall receive a salary to be determined by law.

4. The members of the board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duty.

5. The board shall appoint the warden (or chief officer), physician,

chaplain and clerk or financial officer of each State prison, and shall have power to remove them for cause, after an opportunity to be heard on written charges. All other officers of each prison shall be appointed by the warden thereof, and be removed at his pleasure.

6. The Governor may remove either of the managers for misconduct, incompetency or neglect of duty, after opportunity to be heard on written charges.

7. This amendment shall go into effect on the first Monday of January after its adoption by the people, from and after which date section 4 of article 5 of the Constitution shall be null and void.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that in conformity to section 1 of article 13 of the Constitution it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be laid on the table.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the New York City Depressed Railway Company," reported adversely thereto; which report was agreed to.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to amend an act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania, passed May 2, 1863, and the acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to repeal an act entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' passed May 19, 1869," reported adversely thereto.

Mr. Madden moved to lay the report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Bartlett Elevated Single Track Quick Transit Railway Company of the city of New York," reported adversely thereto; which report was agreed to.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Erie canal at the town of Gates, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to repeal chapter 237 of the Laws of 1869 passed April 17, 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the

same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act making an appropriation for the purpose of repairing and extending the bridge across Clear creek, on the Cattaraugus Indian reservation, in the town of Collins, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Winslow offered the following :

*Resolved*, That until otherwise ordered the Senate meet at 11 o'clock, A. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Wagner, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Manhattan Company to construct railways underground in the city of New York," reported adversely thereto, which report was agreed to.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend an act to incorporate the city of Ogdensburgh, passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to provide for the erection of houses of detention or lock-ups in the several towns in the State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend subdivision 4, of section 23, of article 2, of title 2, of part 2, of chapter 6, of the Revised Statutes, relating to granting letters of administration in cases of intestacy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Dickinson offered the following :

*Resolved*, That 1,000 copies of the testimony taken by the select committee of investigation in the case of Hon. James Wood be and is hereby ordered printed for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of the

plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to amend chapter 766 of the Laws of 1871, entitled 'An act to allow the justices of the supreme court assigned to hold the general terms thereof in the several judicial departments of this State to fix the time and places of holding the same,' passed April 27, 1871, three-fifths being present," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence the following entitled bills :

"An act to provide for reopening West avenue, in Long Island City, Queens county, and to repeal section 5 of an act entitled 'An act to lay out, construct and maintain a public road from the foot of East Second street, in Long Island City to D street, in Blissville, Queens county, and to close certain streets in Long Island City, Queens county, passed May 1, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the village of Perry, county of Wyoming," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act for the relief of the devisees and heirs at law of Louis Planer and Josephine Planer, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the

poor of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845,' passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Rochester Savings Bank and Trust Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to prevent and punish certain fraudulent practices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to prevent frauds in the sale of patent rights," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway in the town of Hempstead, Queens county,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging the State, in the town of Marlborough, Ulster county, to establish a public highway,' passed May 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highways within



their respective districts,' passed April 22, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from old State road, in Essex county, to Port Kent and Hopkinton turnpike, in Franklin county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The hour of half past ten o'clock having arrived, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to reorganize the local government of the city of New York."

And after some time spent therein, the hour of twelve o'clock having arrived, the President resumed the chair and announced the executive session.

Mr. Palmer moved that the executive session be postponed until one o'clock and forty-five minutes, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Wagner
Benedict	Graham	Lowery	Palmer	Weismann
Bowen	Johnson	McGowan	Perry	D. P. Wood
Chatfield	Lewis	Murphy	Robertson	J. Wood
Cock				

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FOR THE NEGATIVE.

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The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to reorganize the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Palmer moved that the bill be made the special order for half past eleven o'clock, A. M., to-morrow.

Mr. Chatfield moved to amend by striking out the words "half past eleven," and insert in lieu thereof the word "one."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Palmer, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the bill entitled "An act to regulate the fees of county clerks," be recommitted to the committee on the judiciary, retaining its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Perry, county of Wyoming," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

"An act to authorize the extension of the time for the collection of taxes in the several towns and cities of this State."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same:

"An act to enable the board of education of the village of Salem to borrow or raise by tax money for school purposes, and to provide for the payment thereof with interest, if borrowed, by tax on said village."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Managers of the State Lunatic Asylum at Utica, reported in favor of the adoption of the following resolution:

Mr. Lowery offered the following:

*Resolved*, That there be printed of the report of the Managers of the State Lunatic Asylum at Utica 3,000 copies; 500 on fine paper for the use of the Managers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Graham, the Senate adjourned.

THURSDAY, MARCH 28, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kindler.

The journal of yesterday was read and approved.

Messrs. Adams and Baker presented a petition of citizens of Cohoes and Troy in favor of the Troy, Lansingburgh and Cohoes Bridge Company; which was read and referred to the committee on commerce and navigation.

Mr. Robertson presented a petition of citizens of Westchester county for a law exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Murphy presented two petitions of citizens of Brooklyn for the speedy passage of an act for the construction of sewers; which were read and referred to the committee on the affairs of cities.

Mr. Baker presented six petitions for the incorporation of the Albany and Greenbush Bridge Company; which were read and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to extend Monhagen avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to the Brooklyn Club," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to authorize the Utica, Ithaca and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York railroad, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act in relation to the incorporation of the village of Whitney's Point," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. D. P. Wood moved that the Assembly bill entitled "An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government," be now considered in the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the Assembly bill entitled as follows:

"An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the same.

On motion of Mr. D. P. Wood, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Graham	Lord	Perry	Weismann
Allen	Harrower	Lowery	Robertson	Winslow
Baker	Johnson	McGowan	Tiemann	D. P. Wood
Foster	Lewis	Murphy	Wagner	19

## FOR THE NEGATIVE.

Chatfield

1

By unanimous consent, the rule was suspended and the Clerk ordered to return said bill to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize payments made by the comptroller to justices of the supreme court in the second judicial district, and to authorize further payments by said comptroller to said justices," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to justices of the supreme court," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act relative to the laying out and opening of Madison avenue north of 120th street in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President announced Messrs. Johnson, Bowen and Dickinson as a committee of conference on the Assembly bill entitled as follows :

"An act in relation to the village of Canadaigua, and to provide a police justice and a police constables in said village, and defining their jurisdiction, power and duties."

Mr. Winslow, from the select committee of nine, reported complete the Senate bills entitled as follows :

"An act relating to the examination of candidates for the degree of doctor of medicine."

"An act conferring additional power upon the trustees of the village of Batavia." [With amendments.]

"An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas."

"An act to amend chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871."

"An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvement.

"An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county."

"An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county,"

"An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' passed April 24, 1867." [With amendments.]

"An act to provide for the endowment of the Unadilla academy."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered,* That said bills be read a third time.

Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several orphan asylums in the State other than in the city of New York,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act prohibiting the use of steam by the Brooklyn, Bath and Coney Island Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," reported adversely thereto.

Mr. Madden moved that the report of the committee be disagreed to, and the bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of and through which the highway known as

the late Highland turnpike runs, to macadamize and otherwise improve the public highways within their respective districts,' passed April 22, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing a public highway in the town of Hempstead, Queens county,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to Port Kent and Hopkinton turnpike, in Franklin county,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the county of Erie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the select committee, to which was referred the bill entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railroad Company, and to take the bonds of that company therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railway Company, and to take the bonds or stock of that company therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company in place of stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to facilitate the construction of the New York and Canada



railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to provide for the completion of lock No. 2 in the Erie canal, and to make an appropriation for said object," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the relief of the town of Perrinton, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to limit the amount of money to be paid to the Hornell Library Association to five hundred dollars, and to amend chapter 549 of the Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and provide means for payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to incorporate the Saint Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871,"



which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to compel the commissioners appointed to build a town hall in the town of New Rochelle under chapter 88 of the Laws of 1868, and all acts amendatory thereof to account," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Trustees of the Home for the Destitute Children of Madison county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to Union avenue in the towns of Mamaroneck and Rye, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to the fire department of the city of Brooklyn, and to reorganize the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flushing avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

Mr. Adams moved that the bill be referred to the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in the lands escheated to the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York, in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn, passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release the interest of the State in certain lands, of which Thomas Breen died seized, to Margaret Breen his widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the formation, establishing and maintaining of driving park, park and agricultural associations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the erection of a town house in the town of New Lots, Kings county," which was read the first time, and by unani-

mous consent was also read the second time, and referred to the committee on internal affairs.

"An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act to provide for fair grounds in the county of Chemung," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to enable the board of education of the city of Brooklyn to sell certain lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to the Chemung Railroad Company."

"An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York."

"An act to extend the time for the organizing of the Niagara Waterworks Company."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the courthouse and jail in said town."

"An act to extend the time for the completion of the Erie and New York City railroad."

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents."

*Ordered*, That the Clerk deliver said bills to the Governor.

The hour of half past eleven o'clock having arrived, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to reorganize the local government of the city of New York."

After some time spent therein the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Palmer moved that the bill be made the special order for this evening at half past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Murphy, the Senate took a recess until half past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to reorganize the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Palmer moved that the bill be made the special order for to-morrow morning, immediately after reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Madden, the Senate adjourned.

## FRIDAY, MARCH 29, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to reorganize the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported progress on said named bill, and asked leave to sit again.

Mr. Palmer moved that the committee be discharged from further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Palmer	Wagner
Allen	Graham	McGowan	Perry	Weismann
Baker	Harrower	Madden	Robertson	D. P. Wood
Chatfield	Lewis			

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### FOR THE NEGATIVE.

Benedict	Cock	Johnson	Murphy	Tiemann
Bowen	Foster	Lord	O'Brien	Winslow

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By unanimous consent, Mr. Palmer moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill having been announced for a third reading,

Mr. Winslow moved to recommit the bill to the committee on the affairs of cities, with instructions to strike out all after the enacting clause and insert the following:

### ARTICLE I.—THE CORPORATE POWERS.

**SECTION 1.** The corporation now existing and known by the name of "The Mayor, Aldermen and Commonalty of the city of New York,"

shall continue to be a body politic and corporate, in fact and in name, by the same name, and shall have perpetual succession with all the grants, powers and privileges heretofore held, by the mayor, aldermen and commonalty of the city of New York, and not modified or repealed by the provisions hereinafter made by this act.

ARTICLE II.—THE LEGISLATIVE POWERS.

§ 2. The legislative power of the said corporation shall be vested in a board of aldermen, which shall consist of not more than forty-five members, one-fifth to be elected, as hereinafter provided, in each senate district of the city, as now established by law.

§ 3. There shall be aldermen elected, who shall be residents of the city of New York, at an election to be held under this act, on the second Tuesday of April, in the year eighteen hundred and seventy-two, and on the second Tuesday of the month of April in every year thereafter, to hold office for the term commencing on the first Monday of May next after their election, and until the first Monday of May of the succeeding year.

§ 4. At such election each qualified voter in each senate district may give one written or printed, or partly written and partly printed, ballot, with the indorsement "Alderman," which shall contain a list of not more than nine names. The voter may repeat on such list the same name nine times, or may make such list to consist of nine different names, or may repeat any one or more name or names on said list as often as he may see fit. After the closing of the polls on the day of election, the canvass in each election district of the senate district shall be completed by ascertaining, assorting, and making returns to the county canvassers of the number of votes given for each candidate. Any ballot containing more than nine names shall be rejected. From the returns so made, the county canvassers shall determine the names of the nine persons having the largest number of votes in each senate district, and they shall be returned as elected. In the event of a vacancy or vacancies arising by reason of less than nine persons being voted for in any senate district, such vacancy or vacancies shall remain unfilled for the ensuing year. In the event of two or more of the persons voted for in any senate district having received an equal number of votes, under such circumstances that there shall be no full number of nine persons having received a higher number of votes than any others, the aldermen elected at such election shall, within five days after their organization, select and determine by lot from among the said persons so having received an equal number of votes, a number sufficient to make up the full delegation of nine members from such senate district, and the persons so selected shall be deemed elected. The persons elected shall have been residents of the senate districts from which they shall have been elected for the period of at least thirty days previous to the election.

§ 5. In case of vacancies by deaths or resignations, amounting in the whole to one-fourth of the entire board, occurring before the first day of February in any year, the said vacancies shall be filled by new elections to be held in the respective senate district or districts in which the vacancies shall have occurred, at a time to be appointed by the board. Such elections shall be held in the manner and on the principles prescribed in section four of this act, so far as the same are applicable.

§ 6. A majority of the board of aldermen shall be a quorum.

§ 7. Said board shall



1. Choose a president from its own members by a majority of the members elected ;
2. Appoint a clerk and other officers ;
3. Determine the rules of its own proceedings ;
4. Be the judge of the returns of election, and the right of election and qualifications of its own members ;
5. Keep a journal of its proceedings ;
6. Sit with open doors, and

7. Shall have authority to compel the attendance of absent members ; to punish its members for disorderly behavior ; and to expel a member with the concurrence of four-fifths of the members elected to the board.

§ 8. The first meeting of the board shall be held on the first Monday of May after the election, at five o'clock in the afternoon, and at such meeting the board shall appoint and determine the days and hours for its stated meetings : Provided, that the hour for opening stated or adjourned meetings shall be fixed between the hours of five and eight in the evening.

§ 9. Every legislative act of the board shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented duly engrossed and certified to the mayor for his approval : Provided, however, that this section shall not apply to the acts of the board in appointing and electing commissioners or members of boards of departments.

§ 10. The mayor shall sign each resolution or ordinance if he approve it, or return the same within ten days if he does not approve it, with the reason therefor ; and if thereupon the board pass the same within five days of such veto by a vote of two-thirds of all the members elected, such resolution or ordinance shall become as effective as though the mayor had signed the same. It shall equally become effective if he should neglect to return the same within such ten days.

§ 11. No resolution or ordinance for alienating or leasing any property of the city, or which involves the appropriation of public moneys or the taxing or assessing the citizens of said city, shall be passed or adopted until at least five days after the same shall have been introduced and entered upon the journal ; nor shall any such ordinance or resolution be passed or adopted unless by a vote of two-thirds of the members elected. No additional allowance beyond the legal claim which shall exist under any contract with the corporation, or for any services on its account, shall be passed except by a unanimous vote of all the members present.

§ 12. No resolution or ordinance appropriating any money, or giving any property of the city, or loaning the credit of the city to any eleemosynary or charitable institution or purpose, shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon by the hereinafter created department of charities and correction.

§ 13. No resolution or ordinance appropriating any money or giving any property of the city, or loaning the credit of the city to any educational institution or purpose, shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon by the hereinafter created department of public instruction.

§ 14. The clerk of the board of aldermen shall keep the seal of the city ; and his signature shall be necessary to all leases, grants and other documents, as under existing laws. He may employ such number of assistant clerks, including a librarian (who shall prepare and publish a journal of the city government), as the board of aldermen may authorize :



Provided, that the whole amount appropriated for his pay and that of his assistants shall not in any year exceed the sum of thirty thousand dollars. He may assign any clerk to any duties other than those for which he was first employed.

§ 15. Immediately after adjournment, the clerk shall, omitting all formal and technical details, prepare a brief abstract of all resolutions and ordinances introduced, and all recommendations of committees which propose or contemplate any specific improvement involving the appropriation of public moneys, or the taxing or assessing the property of the citizens of the city. Such abstract shall be published daily in such form as the commissioners of the treasury hereinafter named shall deem most convenient, together with the abstracts of the reports of the departments hereinafter provided for, which publication shall be known as the journal of the city government, and a file of which shall be kept in every department of the city government. Such publication shall be a sufficient compliance with any law requiring a publication of any of the proceedings of the board of aldermen.

§ 16. The board shall have the exclusive power to appropriate money by proper ordinance for every branch and object of city expenditure; and no money shall be drawn from the city treasury unless the same shall have been previously appropriated by the board. They shall succeed to and be exclusively vested with all the powers and rights in relation to the incurring of indebtedness, and the raising and appropriating of public moneys now possessed by or vested in any department of the city government, excepting only the department of public instruction.

§ 17. The board shall have power to make, continue, modify, and repeal such ordinances, regulations, and resolutions as may be necessary to carry into effect any and all of the powers now vested in, or by this act conferred upon the corporation, and shall have power to enforce obedience to said ordinances, regulations and resolutions, and observances thereof, by ordaining penalties for each and every violation in such sums as may be deemed expedient, not exceeding one hundred dollars. They shall also have power to fix by resolution the salaries of the comptroller, corporation counsel, and all commissioners and heads of bureaus, but the board of aldermen shall not have authority to fix any rate of compensation or salary other than a sum certain per annum. The board shall not exercise any executive function, nor create new departments not herein provided for.

§ 18. Except in anticipation of the revenues of the current year, the mayor, aldermen, and commonalty of the city of New York shall not have authority to borrow any moneys whatever on the credit of the corporation beyond the sums now authorized by law, unless such loan shall be authorized by a special act of the Legislature upon application therefor made by said corporation.

§ 19. Each alderman shall receive a salary of two thousand dollars per annum, payable monthly, subject to a deduction of ten dollars for each stated meeting of the board that he shall during the month, for any cause, have failed to attend.

#### ARTICLE III. — THE EXECUTIVE POWER.

§ 20. The executive power of the corporation shall be vested in the mayor and the departments herein created.

§ 21. The mayor shall be the chief executive officer of the corporation. He shall be elected by the qualified voters of said city at the said elec-

tion, on the second Tuesday of April, in the year eighteen hundred and seventy-two, and on the second Tuesday of April in every year thereafter, and shall hold his office for the term commencing on the first Monday of May next, after his election, and ending on the first Monday of May of the succeeding year.

§ 22. Whenever the mayor shall, from any cause whatever, be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor. But it shall not be lawful for the president of the board of aldermen, when so acting as mayor, to exercise any of the powers of appointment to, or removal from, office vested in the mayor by this act, nor to sign or approve any ordinance or resolution of the board of aldermen, unless the disability or absence of the mayor shall have continued at least ten days.

§ 23. Whenever a vacancy in the office of mayor shall take place before the tenth day of October in any year, the board of aldermen shall order forthwith a new election for the office of mayor to be held at the then next general election for State or federal officers. Until such vacancy is filled, the board of aldermen shall elect a mayor, who shall hold office for the intervening term; and they shall in like manner have power to elect a mayor to hold for the unexpired term when the vacancy in the office of mayor takes place after the tenth day of October in any year, and before the first day of January succeeding until said first day of January.

§ 24. It shall be the duty of the mayor :

1. To communicate to the board of aldermen, at least once in three months, a general statement of the finances, government, and improvements of the city.

2. To recommend to the board of aldermen all such measures connected with the security, health, cleanliness, and adornment of the city, and the protection and improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city and laws of the State to be executed and enforced; and for that purpose he may call together, for consultation and co-operation, any commissioners or other city officers.

4. To call special meetings of the board of aldermen when he shall deem it expedient so to do.

5. To perform all such duties as may be prescribed for him by city ordinances and laws of the State; and the mayor shall be responsible for the good order and efficient government of the city.

§ 25. The mayor may appoint and remove such commissioners of departments and other officers of departments as are hereinafter provided to be appointed by him.

§ 26. The mayor shall receive an annual salary of ten thousand dollars. He shall employ such clerks and experts as may be necessary for the discharge of his duties, and shall render to the board of aldermen every three months an account of the expenses of his office, and therein shall state in detail the amounts paid and agreed to be paid by him for salaries to such clerks and experts respectively.

§ 27. The mayor may be removed by the governor for cause in the manner provided by law in the case of sheriffs.

## ARTICLE IV. — THE EXECUTIVE DEPARTMENTS.

§ 28. There shall be the following other departments in said city :

Department of public works.

Department of public parks.

Department of public safety.

Department of public charities and correction.

Department of finance.

Sinking fund commission.

Department of law.

Department of public instruction.

In addition to these departments, there shall also be an officer to be called the "superintendent of public markets," who shall be appointed by resolution of the board of aldermen, and be removable at their discretion. He shall have all the powers now vested by law in the existing superintendent of public markets, subject to the general control of the board of aldermen, except the power to collect the income arising from public markets, which power is hereby vested in the department of finance.

§ 29. In every department there shall be kept a record of all transactions, to be accessible to the public from three to five o'clock each day; and at the end of each day a brief abstract, omitting formal language, shall be made of all transactions and of all contracts awarded and entered into for work and material of every description, which abstract shall contain the name or names of the party or parties to the contract, a copy of which abstract shall be transmitted to the clerk of the board of aldermen for insertion in the journal of the city government.

§ 30. Any of the said departments shall, when called upon by the mayor or board of aldermen, make to him or them, respectively, reports of their transactions, and furnish to him or them such information as he or they may demand, within such time as he or they may direct. Except in the department of finance, the commissioner or chief officers of departments shall appoint heads of bureaux, and shall appoint all subordinate officers and clerks upon the nomination to them by the heads of bureaux, except as hereinafter otherwise provided. Except in the department of finance, the commissioners or chief officers of departments may remove heads of bureaux at pleasure, and heads of bureaux may suspend subordinate officers and clerks, and remove them with the consent of the commissioners or chief officers of departments.

## ARTICLE V. — THE DEPARTMENT OF PUBLIC WORKS.

§ 31. The department of public works shall be under the charge of five commissioners, who shall be a board to be called "the commissioners of public works," and who shall be the chief officers of this department. One of said five commissioners shall be appointed by the mayor between the first and fifteenth days of May in each year. The remaining four commissioners shall be elected by the board of aldermen, within the same period. At such election each alderman shall give not more than four open ballots, upon each of which shall be printed or written the name of one candidate for the office of commissioner, and each of which shall be signed by the member voting. Each alderman may give the whole of his ballots for one and the same candidate, or may distribute them among four different candidates, or a less number, in such proportion as he may see fit. The clerk of the board of aldermen shall record said votes, stating the name of the alderman voting, and the names of the persons voted

for. The four persons having the largest number of votes shall be deemed elected. In the event of a failure to elect four commissioners, by reason of less than four persons having been voted for, or by reason of two or more of the persons voted for having received an equal number of votes under such circumstances, that there shall be no full number of four persons having received a higher number of votes than all others, a new election for four commissioners shall forthwith be held in the same manner. The commissioners so appointed and elected, respectively, shall hold office from the fifteenth day of May next succeeding their election, until the fifteenth day of May the next following year, unless removed as hereinafter provided.

§ 32. The mayor, at any time, may remove the commissioner appointed by him; and, in case of any vacancy in the board, by the resignation, removal, death or otherwise, of the commissioner appointed by the mayor, he shall fill such vacancy. The mayor may also remove any other commissioner for cause, assigning his reasons to the board of aldermen. In case of any vacancy in the board by the resignation, removal, death or otherwise, of any commissioner elected by the board of aldermen, those members of the board, by whose vote such commissioner was chosen, acting by a majority of their number, shall proceed to fill such vacancy.

§ 33. Whenever the words "chief engineer of the Croton aqueduct board," or "president of the Croton aqueduct board," or "street commissioner," or "department of docks," occur in any existing law, ordinance, resolution, contract or document, they shall be deemed to mean the aforesaid commissioners of public works, and whenever in any law or in any ordinance or obligation of the corporation, the words "street department," or "Croton aqueduct board," or "department of docks" occur, they shall be deemed and construed hereafter to mean the "department of public works, and the commissioners thereof."

§ 34. The said department shall have all the powers and functions heretofore possessed by the department of public works now existing (except those relating to the collection of assessments and water rents), and such other powers and functions as may be expressly conferred upon it by this act, subject to the control of the board of aldermen.

§ 35. Subject to the control of the board of aldermen, the said department shall have all the powers and functions heretofore and now possessed by the department of parks in relation to boulevards, streets and avenues above Fifty-ninth street in said city, not embraced within the limits of any park or public place.

§ 36. The said department shall have charge and control:

1. Of all structures and property connected with the supply and distribution of Croton water.
2. Of regulating, grading, flagging, curbing, guttering and lighting streets, boulevards, roads, places and avenues.
3. Of the repairing and construction of public roads and boulevards.
4. Of the care of public buildings.
5. Of the filling up of sunken lots.
6. Of public sewers and drainage.
7. Of street vaults.
8. Of paving, repaving, repairing, and cleaning streets, and keeping the same clean.
9. Of digging and constructing wells.
10. Of docks, piers, and slips.

§ 37. There shall be the following bureaux in this department:

1. A bureau having care of all structures and property connected with the supply and distribution of Croton water; the chief officer of which shall be called "chief engineer of the Croton aqueduct." Said chief engineer shall be a civil engineer of at least ten years' experience, and shall be appointed for the period of five years. He shall be subject to removal by the "commissioners of public works" for cause, to be stated on the minutes, and only after an opportunity shall have been afforded to him to be heard in relation to said cause. The concurring vote of the mayor shall be necessary to remove him. He shall have power to appoint and remove at pleasure and detail a corps of assistant engineers. This bureau shall also have charge of the laying of water-pipes and the construction and repair of sewers, wells, and hydrants.

2. A bureau for grading, flagging, curbing, and guttering, paving and repaving, and repairing streets, boulevards and roads, and keeping the same clean and swept; and also the lighting of the same by lamps and gas; the chief officer of which shall be called the "superintendent of streets and roads."

3. A bureau of repairs, which shall have charge of all repairs to public buildings, and all other necessary repairs not provided for in other departments; the chief officer of which shall be called "superintendent of repairs," and shall be a practical builder.

4. A bureau of docks, piers, and slips, which shall have all such powers, rights, and privileges now vested in the department of docks, under chapters one hundred and thirty-seven and three hundred and eighty-three of the laws of eighteen hundred and seventy, and five hundred and seventy-four of the laws of eighteen hundred and seventy-one, as the board of aldermen may confer upon them (except the power of incurring indebtedness and raising and expending money), which powers, rights, and privileges shall be exercised by said bureau and department under such regulations and restrictions as the board of aldermen may prescribe. The chief officer of this bureau shall be called the "chief engineer of docks and piers," and such chief officer shall be a civil engineer of at least ten years' experience. He shall be appointed for the period of five years, and shall be subject to removal by the commissioners of public works for cause, to be stated on their minutes, and only after an opportunity shall have been afforded to him to be heard in relation to said cause. The concurring vote of the mayor shall be necessary to remove him.

§ 38. The commissioner appointed by the mayor shall be chairman of the board. The commissioners of public works shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

§ 39. The said department shall have no power to incur indebtedness, nor to raise nor expend money, except such as shall have been previously appropriated by the board of aldermen.

#### ARTICLE VI. — THE DEPARTMENT OF PUBLIC PARKS.

§ 40. The department of public parks shall be under the charge of five commissioners, who shall be a board to be called "the commissioners of public parks." They shall be appointed and elected respectively in the manner hereinbefore provided and prescribed for the appointment and election of commissioners of public works, and be subject to removal in



like manner. All provisions of sections thirty-one and thirty-two of this act shall be applicable to the commissioners of public parks.

§ 41. The department of public parks shall exclusively control, manage, and direct the improvement of all public parks and all buildings therein, and public places, which are of the realty of the city of New York. The said department shall have and enjoy all other rights, powers, and privileges heretofore granted to, and now possessed by, the existing department of public parks, except such as have been by this act transferred to the department of public works, and such as relate to streets and boulevards outside of public parks and places, and except the power of incurring indebtedness and raising and expending money. The said department shall exercise said rights, powers, and privileges not exclusively vested therein by this section, subject to such regulations and restrictions as may be made in relation thereto by the board of aldermen.

§ 42. The commissioner appointed by the mayor shall be chairman of the board. The commissioners of public parks shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE VII.—THE DEPARTMENT OF PUBLIC SAFETY.

§ 43. The department of public safety shall be under the charge of seven persons, who shall be a board to be called "the board of public safety." Said board shall consist of the mayor and six commissioners, to be called "commissioners of public safety," which commissioners shall be elected by the board of aldermen in the manner hereinafter provided.

§ 44. Between the first and fifteenth days of May, in the year eighteen hundred and seventy-two, six persons shall be elected, at two separate elections, by the board of aldermen, as such commissioners. At such elections three commissioners shall be elected to hold office for the term of three years, and three commissioners shall be elected to hold office for the term of six years. Each alderman, at each of said elections, shall give not more than three open ballots, upon each of which shall be printed or written the name of one candidate for the office of such commissioner, and each of which shall be signed by the alderman voting, and shall be recorded by the clerk of the board. Each alderman may give the whole of his ballots for one and the same candidate, or may distribute them among three different candidates, or a less number, in such proportion as he may see fit. The three persons having the largest number of votes at the first of such elections shall be deemed elected to hold office for the period of three years, and the three persons having the largest number of votes at the second of said elections shall be deemed elected to hold office for the period of six years. In the event of a failure to elect three commissioners at either of said elections, by reason of less than three persons having been voted for, or by reason of two or more of the persons voted for having received an equal number of votes, under such circumstances that there shall be no full number of three persons having received a greater number of votes than any others, a new election for three commissioners shall forthwith be held in the same manner.

§ 45. The six persons so elected shall hold office for three and six years respectively, from the fifteenth day of May, eighteen hundred and seventy-two.

§ 46. Between the first and fifteenth days of May in each third year from and after eighteen hundred and seventy-two, the board of aldermen



shall elect three commissioners in the place of those whose terms shall expire on the fifteenth day of May in such year, in the manner hereinbefore provided for the election of said commissioners in eighteen hundred and seventy-two. The commissioners so to be elected after eighteen hundred and seventy-two shall hold office for six years, from the fifteenth day of May of the year in which they shall be elected.

§ 47. The board of aldermen may, at any time, remove any or all of said commissioners by a vote of two-thirds of the whole number of aldermen in office at the time of such removal, for cause to be assigned in the resolution of removal; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard on the question of removal, and have ten days' time to answer said charges. The yeas and nays shall be entered on the journal.

§ 48. Vacancies occurring in the offices of commissioners by removal, resignation, death or otherwise, shall be filled by the remaining commissioners by appointment. The persons so appointed shall hold office until the expiration of the terms of the persons in whose stead they were appointed respectively.

§ 49. The department of public safety shall have and exercise all the powers now conferred upon and vested in the police department, the fire department, the health department, and the department of buildings of the city of New York, and such other powers as are conferred upon them by this act, and as may be from time to time conferred upon them by the board of aldermen of said city, not inconsistent with the laws of this State; provided, that said department of public safety shall not have power to incur indebtedness nor to raise nor expend money unless the same shall have been appropriated by the board of aldermen.

§ 50. There shall be five bureaux in this department, to wit:

1. A bureau of police, the chief officer of which shall be called "the superintendent of police."

2. A fire bureau, the chief officer of which shall be called "the chief engineer of the fire bureau," who shall also be the inspector of fire apparatus.

3. A bureau of health, the chief officer of which shall be a practical physician, and shall be called "the sanitary superintendent."

4. A bureau of buildings, the chief officer of which shall be called "the superintendent of buildings."

5. A bureau of statistics, the chief officer of which shall be called "the register of records."

§ 51. Every person who shall be connected with the police department of the city of New York on the fifteenth day of May, eighteen hundred and seventy-two (except the police commissioners and the superintendent of police), shall continue in office and be transferred by operation of this act to the bureau of police of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary and compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

§ 52. Every person who shall be connected with the fire department of the city of New York on the fifteenth of May, eighteen hundred and seventy-two (except the fire commissioners of the city of New York, the chief engineer, and the inspector of fire apparatus), shall continue in

office and be transferred by operation of this act to the fire bureau of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary and compensation fixed for his transferred office under this act until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

§ 53. It shall be a misdemeanor, punishable by imprisonment in the county jail for a period of not less than sixty days, for a person not employed by the department of safety in the said fire bureau, to wear the whole or any part of the uniform or insignia prescribed to be worn by the persons employed in said fire bureau, by the rules and regulations of said department, or to do any act as fireman not duly authorized by the board hereby created, or to interfere with the property or apparatus of the fire bureau, in any manner, unless by authority of the department.

§ 54. It shall be the duty of said department to make suitable regulations, under which the officers and men of the fire bureau shall be required to wear any appropriate uniform and badge, by which, in case of fire and at other times, the authority and relations of such officers and men in said bureau may be known, as the exigencies of their duties may require.

§ 55. Every person who shall be connected with the health department of the city of New York on the fifteenth day of May, eighteen hundred and seventy-two (except the officers constituting the head of the health department under section ninety of article eleven of the act entitled "An act to reorganize the local government of New York, passed April fifth, eighteen hundred and seventy," and except the heads of bureaux mentioned in section ninety-one of the said last mentioned act, and excepting also all the officers and employes of the bureau of street cleaning and excepting also all the officers and employes of the bureau, the chief officer of which is called the register of records), shall continue in office and be transferred by operation of this act to the bureau of health of the department of public safety herein created; and the amount of salary and compensation now paid to such person shall be the salary or compensation fixed for his transferred office under this act until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

§ 56. The health bureau of the department of public safety may, from time to time, make report to the department of public safety as to the necessity for cleaning the streets, and said department may thereupon transmit such reports to the board of aldermen, and may exercise such powers in relation thereto as shall be thereupon conferred upon them by the board of aldermen.

§ 57. Every person who shall be connected with the department of buildings of the city of New York on the fifteenth day of May, eighteen hundred and seventy-two (except the superintendent of public buildings), shall continue in office, and be transferred by operation of law to the bureau of buildings of the department of public safety herein created; and the amount of salary or compensation now paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

§ 58. Every person who shall be connected with that bureau of the present health department, the chief officer of which is called the register of records, on the fifteenth day of May, eighteen hundred and seventy-two (except the register of records himself), shall continue in office and

be transferred by operation of law to the bureau of statistics of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal, as hereinbefore provided.

§ 59. The register of records, in addition to the duties now devolved upon him, shall, under the direction of the board of public safety, cause to be kept in each police precinct a full and complete record of the name and place of residence of each inhabitant of the precinct, and such other facts as the board of public safety may, from time to time, direct. He shall cause said records to be revised and corrected within two months after the first day of January in each year; and shall, under the direction of the board of public safety, take all proper and necessary means to obtain and secure, through the patrolmen of the precincts, and the residents themselves, early and full information of changes of residence and removals, so as to keep said records as full, complete and accurate as possible.

§ 60. No person holding office under this department shall be liable to military or jury duty while holding such office.

§ 61. The mayor shall be chairman of the board. The commissioners of public safety shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE VIII.—DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

§ 62. The department of charities and correction shall be under the charge of five commissioners, who shall be a board to be called "the commissioners of public charities and correction." They shall be appointed and elected, respectively, in the manner hereinbefore provided and prescribed for the appointment and election of commissioners of public works, and be subject to removal in like manner. All the provisions of sections thirty-one and thirty-two of this act, as to election, appointment and removal, shall be applicable to the commissioners of public charities and correction. Said board shall possess all the powers, and discharge all the duties now conferred upon the department of public charities and correction by special law, and by the provisions of chapter five hundred and ten of the laws of eighteen hundred and sixty, and acts and part of acts amendatory thereto, except the power to incur indebtedness and to raise and expend money, and except as the same are modified or repealed by the provisions of this act, subject to the control of the board of aldermen.

§ 63. There shall be two bureaus in this department, a bureau of charities and a bureau of correction. The commissioners shall appoint a superintendent for each bureau. The bureau of charities shall have especial charge of all institutions, the inmates of which have not been committed for any offense against the laws. The bureau of correction shall have charge of all other institutions; and the two just designated classes of persons under the charge of the commissioners shall be, as far as practicable, separated. The commissioners shall invite all incorporated charitable or benevolent societies, not denominational or sectarian, including hospitals, to file with the bureau of charities a statement of the objects for which said societies were established, the class of persons to whom they

extend relief, and the mode of relief adopted; also to report, from time to time, the means at their disposal and the sources whence derived, the names of persons relieved, and the amount of relief extended to them, and, in the case of hospitals or asylums, what number of additional inmates they can receive, and such other details as the commissioners may deem advisable. Such information, when received, shall be properly classified in books prepared for the purpose, with such alphabetical indexes as will enable the superintendent of such bureau at any time to refer to such institutions which take charge of any particular class of persons or patients, and to ascertain what relief any applicant to such bureau has heretofore received from any institution.

§ 64. All applications for money, property, or loan of the city's credit to any eleemosynary or charitable institution or purpose, shall be made to this department before the same can be acted upon by the board of aldermen. When such application shall have been filed in the office of the secretary of this department, the said commissioners shall have power to visit the said institution or charity, and examine and investigate its condition and purposes, and report thereon to the board of aldermen; but if they determine adversely to such application, the power of said commissioners to visit and examine the same shall then cease and be determined. If, upon a report of this department, such aid in support of, or the maintenance of such eleemosynary institution or charity, shall be extended by the board of aldermen and accepted by such institution or charity, said commissioners shall thereupon be a board of visitors of said institution or charity, with power to send to such institution or charity for treatment or care, free of charge to the city, such cases as, in the discretion of the said commissioners, can be better treated therein than in the public charities of the city, not, however, involving any expenditure to the said institution beyond the amount of aid received by it from the city. If such aid shall consist of a periodical allowance of money or loan of credit, said powers of said commissioners shall continue during such period. If such aid shall consist of a donation of property of the city, then such powers of said commissioners shall be perpetual. Provided that no public money, property or credit shall be appropriated to any institution that is under the management or control of any sectarian or religious denomination.

§ 65. The commissioner appointed by the mayor shall be chairman of the board. The commissioners of charities and correction shall be entitled to seats in the board of aldermen, and shall have a right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE IX. — THE DEPARTMENT OF FINANCE.

§ 66. The department of finance shall be under the charge and control of "the comptroller of the city and county of New York," and of four "commissioners of the treasury," who, together, shall constitute a board to be called "the department of finance."

§ 67. The comptroller shall be appointed by the mayor, and shall be removable at his pleasure. The comptroller may appoint, and at his pleasure remove, a deputy comptroller, who shall be appointed in the manner and be vested with the powers now described by law. The four commissioners of the treasury shall be elected by the board of aldermen

in the manner hereinbefore provided and prescribed for the election of commissioners of public works, and shall be subject to removal in like manner. All the provisions of sections thirty-one and thirty-two of this act, as to appointments, elections, and removals, shall be applicable to the said five chief officers of this department respectively.

§ 68. The comptroller shall be the president and treasurer of the department. He shall have the sole and exclusive power of appointing and removing all heads of bureaux, subordinate officers and clerks in the department, except as herein otherwise expressly provided.

§ 69. The department of finance shall have control of all the fiscal concerns of the corporation, and of the money appropriated for carrying on the business of the corporation. It shall prescribe the forms of keeping and rendering all city accounts, and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers, and employes of the corporation shall be paid. All payments by or on behalf of the corporation shall be made through the proper disbursing officers of the department of finance.

§ 70. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department; and it shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor (provided, however, that such settlement and adjustment shall not have the effect of a judgment or decree).

§ 71. There shall be the following bureaux in this department:

1. An auditing bureau, for auditing, revising and settling all accounts in which the city is concerned as debtor or creditor, and which shall keep an account of each claim for or against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance; the chief officer of which shall be called "auditor of accounts."

2. A bureau for receiving all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the comptroller and countersigned by the mayor; the chief officer of which shall be called the "sub-treasurer." The office of chamberlain is hereby abolished from and after the fifteenth day of May, in the year eighteen hundred and seventy-two, and all the duties and powers heretofore imposed upon and possessed by the chamberlain are hereby imposed and conferred upon the comptroller, to be discharged and exercised by him through the said sub-treasurer, or otherwise; and whenever the words "chamberlain of the city of New York" occur in any existing law, ordinance, resolution, contract or document, they shall be deemed to mean "the comptroller of the city and county of New York;" and whenever in any law, or in any ordinance or obligation of the corporation, the words "chamberlain of the city of New York" occur, they shall be deemed and construed to mean "the comptroller of the city and county of New York." The commission now allowed by law to the chamberlain for collecting and paying over to the State the proportion of State tax raised in this county shall be paid over by the comptroller to the county treasury.

3. Such other bureau or bureaux as the department of finance, by a vote of four of its members, of whom the comptroller must be one, may establish.

4. A bureau for the collection of the revenue accruing from rents and interest on bonds and mortgages, the revenue arising from the use or



sale of property belonging to or managed by the city, the head of which bureau shall be called "the collector of city revenue."

5. A bureau for the collection of taxes and assessments, the head of which shall be called "the receiver of taxes and assessments," and shall have all the powers and perform all the duties now prescribed by law for the receiver of taxes and also for the collector of assessments. The duties and powers now imposed upon and vested in the department of public works in regard to the collection of assessments are hereby imposed upon and vested in the department of finance.

6. A bureau for the collection of revenue derived from the sale and use of water, the chief officer of which shall be called "the collector of water rents," who shall have all the powers, and perform all the duties of the water register under existing laws. The duties and powers now imposed upon and vested in the department of public works in regard to the revenue derived from the sale and use of water are hereby imposed upon and vested in the department of finance.

7. A bureau for the collection of arrears of taxes, assessments and water rents, the head of which shall be called "the clerk of arrears."

8. A bureau for the collection of revenue derived from licenses and rents for public markets, the head of which shall be called "the collector of licenses and market rents."

The heads of the last mentioned five bureaux shall be appointed by the board of aldermen by resolution, and shall be removable at the pleasure of said board. The heads of said last mentioned five bureaux shall have power to appoint their respective subordinates and to remove them at pleasure.

The collector of city revenue, the receiver of taxes and assessments, the collector of water rents, the clerk of arrears, and the collector of licenses and market rents, shall pay over to the comptroller all moneys received by them on the day of the receipt thereof, or on the business day next succeeding.

§ 72. All moneys drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and approved by the comptroller, and filed in the office of the department of finance.

§ 73. Full statements of the receipts and expenditures of all the departments, giving names, dates, amounts and objects of expenditure, shall be made on the third Monday of each month, by each department, to the department of finance. The comptroller, or any one of said commissioners of the department of finance, shall have power at any time to inspect, examine or copy any vouchers, records or papers in any of said departments. From the statements so returned, and other information, the department shall publish monthly, in the city record, a detailed statement of all the receipt and expenditures of the city and county during the preceding month. No bond, certificate of stock, or evidence of public debt to be issued by the city, shall be valid unless signed by the mayor and comptroller, and countersigned by two or more of said commissioners of the public treasury.

§ 74. Said four commissioners of the treasury shall perform all the duties and possess all the powers heretofore performed and possessed by the commissioners of taxes, under existing laws. Said commissioners of the treasury shall keep duplicate books, one set of which shall be open and accessible at all times to all tax-paying citizens, and said commis-



sioners shall appoint and remove all clerks and subordinates which they may need in performing their duties as commissioners of taxes.

§ 75. On or before the first day of July in each and every year, the comptroller and the said four commissioners of the treasury shall and are hereby directed, in lieu of any existing authority in relation thereto, to make and agree upon an estimate of the various sums of money which, in their discretion, will be required to defray all the various expenses necessary for conducting the various boards and departments, whether legislative, executive or administrative or judicial, of the city government, which estimate shall be founded upon reports obtained from said departments, and also for paying the interest on the city debt and the principal of such debt falling due; which amounts, when so established by said comptroller and commissioners of the treasury, shall be certified by them in detail to the board of aldermen, to be by them accepted or modified and certified to the board of supervisors of the county of New York as the aggregate expenses of the city; and said board of supervisors are hereby empowered and directed annually to cause the said amount of money estimated, certified and modified as aforesaid, to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York.

§ 76. The comptroller shall be chairman of the board. The comptroller and the commissioners of the treasury shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board, affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE X.—THE SINKING FUND COMMISSION.

§ 77. There shall continue to be, as now provided and recognized by special laws and ordinances, a board of commissioners of the sinking fund, composed of the mayor, comptroller, commissioners of the treasury, first judge of the court of common pleas in and for the city and county of New York, and chief justice of the superior court of the city of New York, with all the powers now assigned, designated and ratified by existing laws and ordinances, to be exercised, however, under the control and supervision of the board of aldermen; saving and excepting, however, out of said powers, any and all authority now vested in the commissioners of the sinking fund, to authorize the expenditure of money by other departments, and to incur or authorize the incurring of indebtedness.

§ 78. Said commissioners of the sinking fund shall cause all bonds and other evidence of indebtedness belonging to them to be stamped upon the face thereof as belonging to said sinking fund.

#### ARTICLE XI.—OF THE LAW DEPARTMENT.

§ 79. The chief officer of the law department shall be called the corporation counsel. He shall be a member of the bar of this State, who shall have resided or had an office in the city of New York at least five years consecutively immediately prior to the time of his appointment, and shall be appointed by the mayor between the first and fifteenth days of May in each year, and shall hold office until his successor shall be appointed. The mayor may remove him at pleasure and appoint his successor.

§ 80. The said corporation counsel shall act as the legal adviser of all

the departments; and no attorney or counsel shall receive any compensation for any services rendered to any department unless he shall have been employed by or with the assent of the law department, except as hereinafter provided. Said department shall semi-annually report to the board of aldermen the condition of all suits pending, the names of all attorneys and counsel employed, the fees paid to attorneys and counsel, all receipts of the office, and all other matters pertaining to the business of said department.

§ 81. There shall be a bureau in this department, the chief officer of which shall be called the "corporation attorney;" a bureau, the chief officer of which shall be called the "public administrator," and a bureau, the chief officer of which shall be called the "attorney of street openings and assessments."

§ 82. The law department shall have the charge and conduct of all law business of the corporation and of its departments; and the charge and conduct of the legal proceedings necessary in widening, opening, or altering streets, boulevards, avenues, and public places; and shall, whenever applied to by the comptroller, draw the leases, deeds, and other legal papers connected with the finance department.

§ 83. The corporation attorney and the public administrator shall have and exercise the powers, rights, and duties now conferred by law upon the officers so named respectively, subject to the control and supervision of the corporation counsel and the board of aldermen, so far as such control and supervision are not inconsistent with the laws of the State.

§ 84. The attorney of street openings and assessments shall have and exercise the powers, rights, and duties in relation to street openings and widenings that are now had and exercised by the corporation counsel, and such others as may be by law conferred upon him, subject to the control and supervision of the corporation counsel and the board of aldermen.

§ 85. The corporation counsel shall be entitled to a seat in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE XII. — THE DEPARTMENT OF PUBLIC INSTRUCTION.

§ 86. There shall be a department of public instruction, which shall have the same powers and discharge the same duties which are now vested in the department of public instruction by article fifteen, section one hundred, of chapter three hundred and eighty-three of the laws of eighteen hundred and seventy, as amended by chapter five hundred and seventy-four of the laws of eighteen hundred and seventy-one.

§ 87. Said department shall consist of not more than thirty commissioners, who shall be styled "the commissioners of public instruction," and shall constitute the board of public instruction of the city of New York.

§ 88. Said commissioners shall be elected as follows: At the elections provided for by section two of this act, there shall be elected in each Senate district of the city, as now established by law, six commissioners of public instruction. Said election shall be held in the manner hereinbefore prescribed in sections four and five of this act for the election of aldermen, except that the ballots shall be indorsed "commissioners of public instruction." All the provisions of said sections four and five shall apply to said election of commissioners of public instruction, so modified, however, as to provide for the election of six persons only instead of nine.

All ballots containing more than six names shall be rejected. Said commissioners so elected shall take office on the first Monday of May next succeeding their election, and shall hold office for the terms of one, two, three, four, and five years respectively. The commissioners elected for each Senate district shall designate one of their number, and the five commissioners so designated shall meet between the first and fifteenth days of May, in the year eighteen hundred and seventy-two, in the office of the mayor and in his presence, and by such method as he shall approve, determine by lot the respective terms of office for one, two, three, four, and five years for which the commissioners elected in the respective Senate districts shall hold office thereafter, at every annual election under this act, there shall be elected six commissioners in the manner provided in this section in that Senate district, only for which the term of office of the commissioners elected from said district expires who shall hold office for the period of five years.

§ 89. Said board of public instruction shall forthwith, after their organization, appoint, by a vote of a majority of its members, not less than three nor more than seven trustees of common schools for each ward of the city, and a board of ten trustees, of which the president of the "college of the city of New York" shall be a member ex-officio, for the management of said college of the city of New York, which trustees shall hold office during the pleasure of the department of public instruction.

§ 90. The mayor shall immediately, after the first Monday of May, in the year eighteen hundred and seventy-two, appoint three inspectors of common schools for each Senate district, who shall hold office at his pleasure.

§ 91. From and after the first Monday of May, in the year eighteen hundred and seventy-two, the commissioners of public instruction, trustees, and inspectors of common schools, who shall be elected and appointed respectively under the provisions of this act, shall be vested with, and discharge all the powers and duties which are now vested in, and discharged by, the commissioners of the department of public instruction, trustees, and inspectors of common schools.

§ 92. It shall not be lawful to make any appropriation of public money or property, or to make any loan or lease of city lands, or to loan the credit of the city, directly or indirectly, in aid of any private or sectarian or denominational school that is not under the control and management of the department of public instruction, and subject to the same general laws of the State as the public schools are.

#### ARTICLE XIII. — GENERAL PROVISIONS.

§ 93. Every person who shall promise, offer, or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered, or given to any alderman, or any officer of the corporation, after his election or appointment, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action, or other property, or any thing of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinions, judgment, or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every alderman or officer in this section enumerated, who

shall accept any such gift or promise, or undertaking to make the same, under any agreement or understanding that his vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any question, matter, cause, or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified forever from holding any public office, trust, or appointment under the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against any of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but if any person shall give testimony in any trial or proceeding under this section, such testimony shall not be used against him in any criminal prosecution whatever, by reason of anything done by him in relation to such transaction.

§ 94. Any citizen claiming to have suffered special damage by any such vote or action of any alderman or officer given for any dishonest or corrupt motive or consideration may bring suit against such alderman or officer, and recover his damages not exceeding one thousand dollars.

§ 95. No alderman, commissioner, head of department, chief of bureau, deputy thereof, or clerk therein, or other officer of the corporation, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price, or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the board of aldermen, nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold by virtue of legal process at the suit of said corporation. If any of the officers above named shall be so interested at the time of his election or appointment, he shall forfeit his office; and if he shall, during the term for which he was elected or appointed, knowingly acquire an interest in any such contract, work, business, sale or assessment, he shall, on conviction thereof, forfeit his office and be punished as for a misdemeanor. All such contracts or sales shall be forfeited when any alderman or other officer enumerated in this section shall be interested therein.

§ 96. Any alderman, commissioner, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation, may if a judge shall so order, be summarily examined upon an order, to be made on application based on an affidavit of any commissioner of the treasury, or any three aldermen, requiring such examination, and signed by any justice of the supreme court of the first judicial district, directing such examination to be publicly made at the chambers of said court, at a day and hour to be named, not less, however, than forty-eight hours after personal service of said order. Such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any moneys or fund, or any violations of the provisions of the last two sections, or any want of mechanical qualification for any inspectorship of public work, or any neglect of duty in acting as such inspector, or any other delinquency charged in said affidavit touching the office or the discharge or neglect of duty, of which it is alleged in the application for said order that such alderman, head of department, or other aforementioned officer has knowledge or information. Such alderman, commissioner, head of department, or other aforesaid officer, shall answer

such pertinent questions relative thereto as the justice shall direct, and the examination may be continued from time to time, as such justice may order, but the answers of the party charged shall not be used against him in any criminal proceeding; provided, however, that for all false answers on material points, he shall be subject to the pains and penalties of the crime of perjury. The proceedings may be continued before any other justice in said district, and other witnesses as well as the parties making such application, may in the discretion of said justice, be compelled to attend and be examined touching such alleged delinquencies. Such justice may punish any refusal to attend such examination, or to answer any question pursuant to his order as for a contempt of court, and shall have as full power and authority to enforce obedience to the order or directions of himself or of any other justice as any justice of the supreme court may now have or shall possess, to enforce obedience or to punish contempt in any case or matter whatever. Such examination shall be reduced to writing and be filed in the office of the county clerk of the county of New York, and be at all reasonable times accessible to the public, and notice of the same given to the department in which said officer is employed.

§ 97. Any officer of the city government or person employed in its service, who shall willfully violate or evade any of the provisions of this act, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city; and any person who shall willfully swear falsely, in any oath or affirmation required by this act, shall be guilty of perjury.

§ 98. No appropriation for the contesting of the office of mayor, or any seat in the board of aldermen, or department of public instruction, shall be made to any but the prevailing party. Nor shall such appropriation be made except upon the written certificate by the chief officer of the law department, as to the value of the services rendered in the case. In the cases provided for under section ninety-six, the law department shall assign counsel to such commissioner of the treasury or alderman making the application; but should such commissioner or alderman see fit to employ other counsel than those assigned by the law department, then in that event no appropriation shall be made by the board of aldermen for his or their payment except upon a certificate of the justice or justices before whom the proceedings have been had that there was probable cause for taking such proceedings.

§ 99. Any person holding office, whether by election or appointment, under this charter, who shall, during his term of office, accept, hold, or retain, any other civil office of honor, trust or emolument under the government of the United States, or of the State, except notaries public and commissioners of deeds, or under this charter, or who shall accept a seat in the legislature, or who shall, during his said term of office, receive any fees or emoluments directed to be paid to him by any ordinance of the board of aldermen, shall be deemed thereby to have vacated his office. No person shall hold two charter or county offices, nor shall an officer under the city government hold or retain an office under the county government, except when he holds such office ex officio by virtue of an act of the legislature, and in such case he shall draw no salary for such ex officio office.

§ 100. No street, avenue or public place in the city of New York,



which has been once paved and the expense thereof paid for by the owners of the adjoining property by assessment, shall hereafter be paved at their expense, unless such paving be petitioned for by a majority of the owners of the property on the line of the proposed improvement; and any ordinance or resolution heretofore passed for any pavement, which has not been petitioned for by a majority of the owners of the adjoining property to be affected, and for which no contract has been entered into, is hereby declared to be inoperative and void.

§ 101. All printing for said city shall be executed, and all stationery shall be supplied under contracts, to be entered into by the comptroller and the commissioners of the treasury, or any three of them, after an advertisement in three daily morning newspapers printed in said city, having the largest circulation therein, for at least two weeks, inviting proposals. Said proposals shall be based upon specifications to be filed in the finance department, which shall set forth, with accuracy, the number, of every description, of printed blanks; also of each description of stationery or blank books, in ordinary use in the board of aldermen and the respective departments, and likely to be required during the year for which such contract is to be given; and the bids shall be given for such number of each printed description of blanks, or of each article of stationery (including under the head of stationery letter or writing paper, or envelopes, with printed headings or indorsements) as are specified, and for each additional number as may be required, giving the price for blanks of every description, and the price for all other printing, "per one thousand ems," or for "rule and figure work," or for advertisements, per line. Separate contracts shall be made with the lowest bidder for any one description of printing, or any article of stationery involving an expense of more than five hundred dollars. Twenty per cent of the amount becoming due from time to time shall be withheld by the comptroller until the completion of the contract; and in case the contractor shall fail to fulfil the same to the satisfaction of the commissioners of the department for which said printing is executed, or stationery supplied, or any two of them, then said commissioners may declare said contract to be annulled, and the twenty per cent so reserved to be forfeited to the city, and shall immediately give notice for other bids for such printing during the remainder of the term of the contract, and no judgment shall be recovered against the city for printing or stationery, unless upon evidence of a contract made as provided in this section. Separate contracts may be made at any time for engraving, lithographing, wood-cuts, maps, or other picture work, as the same may be required; but nothing herein contained shall be construed to require a separate contract for each engraving, lithograph, wood-cut, or map, unless the officers aforesaid shall deem the same advisable, and for the interest of the city.

§ 102. No more than one thousand copies of any message of the mayor, or report of any head of a department, and no more than five hundred copies of any report of a committee of the board of aldermen shall be printed. No more than five thousand copies of the journal of the city government, in addition to such number as may be subscribed for (at a rate to be fixed by the commissioners of the treasury), or of the work known as the manual of the common council, or of any similar work, shall be printed; and no such work shall be embellished with any pictures of any description, except a map of the city, and all contracts for such pictures shall be void. The journal of the city government shall



be published daily, Sundays and legal holidays excepted; and a copy of said journal of the city government shall be sent by mail to all newspapers in the city, and to all libraries or institutions in the city that may apply for it. The said journal of the city government shall be furnished to any person wishing the same, at two cents per copy, or sent to subscribers at five dollars per annum. Nothing shall be contained in the journal of the city government aside from official matters expressly authorized in this charter.

§ 103. On the first Monday of May, in the year eighteen hundred and seventy-two, the terms of office of the following named existing officials of the city of New York shall expire, to wit: The aldermen and assistant aldermen, and their clerks and subordinates; the mayor; the comptroller and deputy comptroller; the corporation counsel, corporation attorney, and public administrator; the commissioners of public instruction, and the trustees and inspectors of common schools, and the tax commissioners; and on the fifteenth day of May, in the year eighteen hundred and seventy-two, the terms of office of the following named existing officials of said city shall expire, to wit: the commissioners of public works, the commissioners of public parks, the commissioners and superintendent of police, the commissioners of public charities and correction, the fire commissioners, the chamberlain, the chief engineer of the fire department, the inspector of fire apparatus, the commissioners of health, the city sanitary inspector, the register of records, the commissioners of docks, and all other officers whose places are directed to be supplied by this act. All of said out-going officers are hereby directed and required, as soon as possible after the expiration of their said respective terms, to deliver to their respective successors all the property of every kind, and the books and papers, in their use and possession, respectively, belonging to the corporation.

§ 104. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but this repeal shall not be deemed to extend to any provision of any statute defining or prescribing the punishment for bribery, fraud, or any other offense, or any misconduct in office.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Benedict	Foster	Lowery	Weismann	Winslow	
Bowen	Johnson	O'Brien			8

**FOR THE NEGATIVE.**

Adams	Cock	Lewis	Murphy	Robertson	
Allen	Dickinson	Lord	Palmer	Tiemann	
Baker	Graham	McGowan	Perry	Wagner	
Chatfield	Harrower	Madden			18

Mr. Madden moved to recommit said bill to the committee on the affairs of cities, with instructions to insert the following amendment:

Add, at the end of section 3, the words: "excepting that the aldermen and assistant aldermen elected on the fourth Tuesday of April, eighteen hundred and seventy-two, shall be elected for a term of office commencing on the first Monday in January, eighteen hundred and seventy-three, and extending to and ending on the first Monday of May, eighteen hundred and seventy-four, and that no election for aldermen or assistant aldermen shall be held in the year eighteen hundred and seventy-three, and that the aldermen and assistant aldermen now in office shall

continue in office until the first Monday in January, eighteen hundred and seventy-three, and that the said aldermen and assistant aldermen shall be, and they are hereby vested with all the powers and duties imposed on aldermen by this act."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lowery	Madden	Robertson	
Cock	Lewis	McGowan	O'Brien	Tiemann	10

FOR THE NEGATIVE.

Adams	Chatfield	Johnson	Perry	Winslow	
Allen	Graham	Lord	Wagner	D. P. Wood	
Benedict	Harrower	Palmer	Weismann	J. Wood	
Bowen					16

Mr. Benedict moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

"§ 2. The legislative power of the said corporation shall be vested in a common council consisting of a board of aldermen, which shall consist of six members from each Senate district to be elected as hereinafter provided, and of a board of assistant aldermen, which shall consist of two members from each Assembly district to be elected as hereinafter provided."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	McGowan	Perry	D. P. Wood	
Baker	Dickinson	Palmer	Weismann	J. Wood	
Benedict					11

FOR THE NEGATIVE.

Allen	Foster	Lewis	Murphy	Tiemann	
Bowen	Graham	Lord	O'Brien	Wagner	
Cock	Harrower	Madden	Robertson	Winslow	15

Mr. Benedict moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

Strike out section 44, and insert the following :

"§ 44. Between the first and fifteenth days of May, in the year eighteen hundred and seventy-two, six persons shall be elected, at two separate elections, by the board of aldermen, as such commissioners. At such elections three commissioners shall be elected to hold office for the term of three years, and three commissioners shall be elected to hold office for the term of six years. Each alderman, at each of said elections, shall give not more than three open ballots, upon each of which shall be printed or written the name of one candidate for the office of such commissioner, and each of which shall be signed by the alderman voting, and shall be recorded by the clerk of the board. Each alderman may give the whole of his ballots for one and the same candidate, or may distribute them among three different candidates, or a less number, in such proportion as he may see fit. The three persons having the largest number of votes at the first of such elections shall be deemed elected to hold office for the period of three years, and the three persons having the largest number of votes at the second of said elections shall be deemed elected to hold office for the period of six years. In the event of a failure to

elect three commissioners at either of said elections, by reason of less than three persons having been voted for, or by reason of two or more of the persons voted for having received an equal number of votes, under such circumstances that there shall be no full number of three persons having received a greater number of votes than any others, a new election for three commissioners shall forthwith be held in the same manner."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Benedict Johnson	Lewis Lowery	Madden	O'Brien	J. Wood	7
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FOR THE NEGATIVE.

Adams	Chatfield	McGowan	Robertson	Weismann	17
Allen	Dickinson	Palmer	Tiemann	Winslow	
Baker	Harrower	Perry	Wagner	D. P. Wood	
Bowen	Lord				

Mr. Benedict moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Strike out section 46, and insert the following:

"§ 46. Between the first and fifteenth days of May in each third year from and after eighteen hundred and seventy-two, the board of aldermen shall elect three commissioners in the place of those whose terms shall expire on the fifteenth day of May in such year, in the manner hereinbefore provided for the election of said commissioners in eighteen hundred and seventy-two. The commissioners so to be elected after eighteen hundred and seventy-two shall hold office for six years, from the fifteenth day of May of the year in which they shall be elected."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Benedict	Johnson	Lewis	J. Wood	4
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FOR THE NEGATIVE.

Adams	Chatfield	Harrower	Perry	Wagner	16
Allen	Cock	McGowan	Robertson	Weismann	
Baker	Dickinson	Palmer	Tiemann	D. P. Wood	
Bowen					

Mr. Johnson moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Strike out section 44, and insert the following:

"§ 44. The commissioners of public safety shall be appointed by the common council on the recommendation of the mayor."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Johnson	Madden	Murphy	O'Brien	Tiemann	5
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FOR THE NEGATIVE.

Adams	Chatfield	Harrower	Perry	Weismann	17
Allen	Cock	McGowan	Robertson	D. P. Wood	
Baker	Dickinson	Palmer	Wagner	J. Wood	
Benedict	Graham				

Mr. Benedict moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

Strike out the amendment made in the committee of the whole to section 31, and restore the following :

"§ 31. The department of public works shall be under the charge of five commissioners, who shall be a board to be called 'the commissioners of public works.' One of said five commissioners shall be appointed by the mayor between the first and fifteenth days of May in each year, and shall receive an annual salary of seven thousand five hundred dollars. The remaining four commissioners shall be elected by the board of aldermen, within the same period, and shall receive no compensation. At such election each alderman shall give not more than four open ballots, upon each of which shall be printed or written the name of one candidate for the office of commissioner, and each of which shall be signed by the member voting. Each alderman may give the whole of his ballots for one and the same candidate, or may distribute them among four different candidates, or a less number, in such proportion as he may see fit. The clerk of the board of aldermen shall record said votes, stating the name of the alderman voting, and the names of the persons voted for. The four persons having the largest number of votes shall be deemed elected. In the event of a failure to elect four commissioners, by reason of less than four persons having been voted for, or by reason of two or more of the persons voted for having received an equal number of votes, under such circumstances that there shall be no full number of four persons having received a higher number of votes than all others, a new election for four commissioners shall forthwith be held in the same manner. The commissioners so elected, respectively, shall hold office from the fifteenth day of May next succeeding their election, until the fifteenth day of May of the next following year, and until others are appointed and elected in their places and shall have qualified, unless removed as hereinafter provided."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Johnson	Lowery	O'Brien	Winslow	
Bowen	Lewis				7

FOR THE NEGATIVE.

Adams	Cock	Lord	Perry	Wagner	
Allen	Dickinson	McGowan	Robertson	Weismann	
Baker	Foster	Madden	Tiemann	D. P. Wood	
Chatfield	Harrower	Palmer			18

Mr. Benedict moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

Strike out sections 66 and 67 as amended in the committee of the whole, and restore the following :

"§ 66. The department of finance shall be under the charge and control of 'the comptroller of the city and county of New York,' and of four 'commissioners of the treasury,' who, together, shall constitute a board to be called 'the board of finance.'"

"§ 67. The comptroller shall be appointed by the mayor, and shall be removable at his pleasure. The comptroller may appoint, and at his pleasure remove, a deputy comptroller, who shall be appointed in the manner and be vested with the powers now described by law, and shall receive an annual salary of five thousand dollars. The four commissioners

of the treasury shall be elected by the board of aldermen in the manner hereinbefore provided and prescribed for the election of commissioners of public works, and shall be subject to removal in like manner. The provisions of sections thirty-one and thirty-two of this act, as to appointments, elections, and removals, shall be applicable to the said chief officers of this department respectively."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Benedict	Johnson	Lowery	O'Brien	Winslow
Bowen	Lewis			

FOR THE NEGATIVE.

Adams	Cock	Lord	Palmer	Wagner
Allen	Dickinson	McGowan	Perry	Weismann
Baker	Foster	Madden	Robertson	D. P. Wood
Chatfield	Harrower	Murphy	Tiemann	

Mr. Lewis moved to recommit said bill to the committee on the affairs of cities, with instructions to strike out in section 44 the following words:

"Two judges of the supreme court" in lines one and two, and insert "mayor and register" in lieu thereof; also strike out, in line 2, the words "who have the longest time to serve."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Johnson	Lord	Madden	O'Brien
Cock	Lewis	Lowery	Murphy	J. Wood
Harrower				

FOR THE NEGATIVE.

Adams	Bowen	McGowan	Robertson	Weismann
Baker	Chatfield	Palmer	Tiemann	Winslow
Benedict	Dickinson	Perry	Wagner	D. P. Wood

Mr. O'Brien moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Strike out section 31, and insert the following:

"§ 31. The department of public works shall be under the charge of five commissioners, who shall be elected on the fourth Tuesday in April, eighteen hundred and seventy-two, by the qualified voters of said city, and on the second Tuesday of April in every alternate year thereafter, and shall hold their offices for the term commencing on the first Monday of May next after their election, and ending on the first Monday of May in every second year thereafter. They shall each receive an annual salary of five thousand dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Johnson	O'Brien
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FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Perry	Wagner
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Harrower	Madden	Tiemann	J. Wood
Bowen	Lewis	Palmer		

Mr. O'Brien moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Amend section 67 as follows:

Strike out the words "appointed by the mayor" in the first line, and insert in lieu thereof the words "elected by the qualified voters of said city, on the fourth Tuesday of April, eighteen hundred and seventy-two; and on the second Tuesday in April in every alternate year thereafter, and shall hold his office for the term of two years commencing on the first Monday of May next after his election, and ending on the first Monday of May in every second year thereafter."

Then strike out the words "and shall be removable at his pleasure" in the first and second lines of said section.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Johnson	O'Brien	2
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FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Palmer	Wagner
Allen	Cock	Lord	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden		
				23

Mr. O'Brien moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Amend section 79 by striking out the word "appointment" in line 5, and insert the word "election" in lieu thereof. Then strike out the balance of the section, and insert the following: "He shall be elected by the qualified voters of the city of New York on the fourth Tuesday in April, eighteen hundred and seventy-two, and on the second Tuesday in April of every alternate year thereafter, and shall hold his office for the term of two years commencing on the first Monday of May next after his election, and ending on the first Monday of May in every second year thereafter."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Johnson	Murphy	O'Brien	3
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FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	Madden	Wagner	J. Wood
				20

Mr. O'Brien moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Strike out section 92, and insert in lieu thereof the following:

"§ 92. No appropriation shall be made of the public money to any private or sectarian or denominational school, unless by a two-thirds vote of the board of aldermen."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Cock	Johnson	Murphy	O'Brien	Tiemann	5
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## FOR THE NEGATIVE.

Adams	Bowen	Lewis	Palmer	Weismann	
Allen	Chatfield	Lord	Perry	Winslow	
Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Benedict	Harrower	McGowan	Wagner	J. Wood	20

Mr. Winslow moved to recommit said bill to the committee on the affairs of cities, with instructions to strike out section 2, and insert the following:

"§ 2. The legislative power of the said corporation shall be vested in a board of aldermen, which shall consist of not more than forty-five members, one-fifth to be elected, as hereinafter provided, in each senate district of the city, as now established by law."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bowen	O'Brien	Winslow	8
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## FOR THE NEGATIVE.

Adams	Chatfield	Johnson	Palmer	Wagner	
Allen	Dickinson	Lewis	Perry	D. P. Wood	
Baker	Foster	McGowan	Robertson	J. Wood	
Benedict	Harrower	Murphy	Tiemann		19

Mr. Murphy moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows:

Amend section 4 by striking out all after the word "alderman," and insert in lieu thereof the words "which shall contain one name, and at the same election each voter in each Assembly district may give one ballot, as aforesaid, which shall contain two names."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Lord	Murphy	O'Brien	Tiemann	6
Johnson					

## FOR THE NEGATIVE.

Adams	Bowen	Harrower	Palmer	Wagner	
Baker	Chatfield	Lewis	Perry	D. P. Wood	
Benedict	Dickinson	McGowan	Robertson	J. Wood	15

Mr. Murphy moved to recommit said bill to the committee on the affairs of cities, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Murphy	O'Brien	Tiemann	4
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## FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Perry	Winslow	
Allen	Dickinson	Lowery	Robertson	D. P. Wood	
Baker	Foster	McGowan	Wagner	J. Wood	
Benedict	Harrower	Palmer	Weismann		19

Mr. Lord moved to recommit said bill to the committee on the affairs of cities, with instructions to amend the title so as to read as follows:

"An act to amend the election law of the city of New York, and to legalize repeating in said city."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cock	Lord	Murphy	Tiemann	4
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FOR THE NEGATIVE.

Adams	Dickinson	Lowery	Palmer	Weismann
Allen	Foster	McGowan	Perry	Winslow
Benedict	Harrower	Madden	Robertson	D. P. Wood
Bowen	Lewis	O'Brien	Wagner	J. Wood
Chatfield				21

Mr. Johnson asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	McGowan	Robertson	Winslow
Allen	Dickinson	Madden	Wagner	D. P. Wood
Baker	Graham	Palmer	Weismann	J. Wood
Benedict	Harrower	Perry		18

FOR THE NEGATIVE.

Bowen	Johnson	Lord	Murphy	Tiemann
Cock	Lewis	Lowery	O'Brien	9

When the name of Mr. Foster was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Allen offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Senate of Senate bill, being "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the completion of lock No. 2, on the Erie canal, and to make an appropriation for said object," reported in favor of the passage of the same.

On motion of Mr. Lewis, and by unanims consent, the rule was suspended and said bill was read a third time.

## FOR THE NEGATIVE.

lams	Bowen	Lewis	Palmer	Weismann
len	Chatfield	Lord	Perry	Winslow
ker	Dickinson	Lowery	Robertson	D. P. Wood
nedict	Harrower	McGowan	Wagner	J. Wood

Mr. Winslow moved to recommit said bill to the committee on affairs of cities, with instructions to strike out section 2, and insert following:

"§ 2. The legislative power of the said corporation shall be vested in a board of aldermen, which shall consist of not more than forty-five members, one-fifth to be elected, as hereinafter provided, in each senate district of the city, as now established by law."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

owen	O'Brien	Winslow
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## FOR THE NEGATIVE.

lams	Chatfield	Johnson	Palmer	Wagner
len	Dickinson	Lewis	Perry	D. P. Wood
ker	Foster	McGowan	Robertson	J. Wood
nedict	Harrower	Murphy	Tiemann	

Mr. Murphy moved to recommit said bill to the committee on affairs of cities, with instructions to amend as follows:

Amend section 4 by striking out all after the word "alderman," and insert in lieu thereof the words "which shall contain one name, and at the same election each voter in each Assembly district may give one ballot for the aforesaid, which shall contain two names."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

ck	Lord	Murphy	O'Brien	Tiemann
hanson				

## FOR THE NEGATIVE.

lams	Bowen	Harrower	Palmer	Wagner
ker	Chatfield	Lewis	Perry	D. P. Wood
nedict	Dickinson	McGowan	Robertson	J. Wood

Mr. Murphy moved to recommit said bill to the committee on affairs of cities, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

ck	Murphy	O'Brien	Tiemann
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## FOR THE NEGATIVE.

lams	Chatfield	Lewis	Perry	Winslow
len	Dickinson	Lowery	Robertson	D. P. Wood
ker	Foster	McGowan	Wagner	J. Wood
nedict	Harrower	Palmer	Weismann	

Mr. Lord moved to recommit said bill to the committee on the affairs of cities, with instructions to amend the title so as to read as follows:

"An act to amend the election law of the city of New York, and to legalize repeating in said city."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Cock	Lord	Murphy	Tiemann	4
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## FOR THE NEGATIVE.

Adams	Dickinson	Lowery	Palmer	Weismann	
Allen	Foster	McGowan	Perry	Winslow	
Benedict	Harrower	Madden	Robertson	D. P. Wood	
Bowen	Lewis	O'Brien	Wagner	J. Wood	
Chatfield					21

Mr. Johnson asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	McGowan	Robertson	Winslow	
Allen	Dickinson	Madden	Wagner	D. P. Wood	
Baker	Graham	Palmer	Weismann	J. Wood	
Benedict	Harrower	Perry			18

## FOR THE NEGATIVE.

Bowen	Johnson	Lord	Murphy	Tiemann	
Cock	Lewis	Lowery	O'Brien		9

When the name of Mr. Foster was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Allen offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Senate of Senate bill, being "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the completion of lock No. 2, on the Erie canal, and to make an appropriation for said object," reported in favor of the passage of the same.

On motion of Mr. Lewis, and by unanimous consent, the rule was suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lewis	Madden	Wagner
Allen	Foster	Lord	Perry	Weismann
Baker	Harrower	Lowery	Robertson	D. P. Wood
Bowen	Johnson	McGowan	Tiemann	J. Wood

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of

**RAILROADS.**

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public works known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend sections 29, 349 and 350 of title 9, chapter 9, of part 1, of the Revised Statutes, in relation to the canals of this State and their management," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to amend chapter 868 of the Laws of 1871, entitled 'An act to foster and develop the internal commerce of the State by inviting and rewarding the practical and profitable introduction upon the canals of steam, caloric electricity or any motor other than animal power for the propulsion of boats," reported adversely thereto, which report was agreed to.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased compensation of commissioners of highways and other town officers,' passed April 18, 1857," reported the same for the consideration of the Senate.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to compel the commissioners appointed to build a town hall in the town of New Rochelle, under chapter 88 of the Laws of 1868, and all acts amendatory thereof, to account," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to define section 5 of chapter 583 of the Laws of 1871 relating to the entry of judgments," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the acts of David B. Barr

as notary public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the clerks of the marine court of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the Brooklyn Club," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for the erection of a town house in the town of New Lots, Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to a part of Mamaroneck avenue in the town of Mamaroneck, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to amend an act to incorporate the New York City Central Underground Railway Company," reported adversely thereto.

Mr. Madden moved that the report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter —



the Laws of 1868, and the act amending the same, passed May 18, 1869, being chapter — of the Laws of 1869," reported adversely thereto. Mr. Lewis moved that the report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden, from the committee on railroads, to which was referred a bill entitled "An act to authorize the Utica, Ithaca and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York Railroad, and for other purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred a bill entitled "An act to incorporate the New York, Harlem and Manhattan Railway Company, and provide for the construction of an elevated railway in the city of New York and Westchester county," reported adversely thereto.

Mr. Robertson moved that the report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. McGowan, from the committee on agriculture, to which was referred the bill entitled "An act for the organization and incorporation of the Lennox Farmers' and Mechanics' Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to authorize the formation, establishing, and maintaining of driving parks, park, and agricultural associations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to provide for fair ground in the county of Chemung," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the select committee of nine, reported completed bills entitled as follows:

Assembly, "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

"An act to authorize the construction of a sewer in the county of Kings, from the county buildings at Flatbush in said county." [With amendments.]

"An act to provide for increased penalties for riding or driving any animal or animals across bridges or over rivers in the town of Braasheer, Lawrence county."

Assembly, "An act to incorporate the Citizens' Plate Glass Insurance Company."

Assembly, "An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county."

Assembly, "An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings,' prescribing his powers and duties."

"An act to provide for the laying out, opening, extension and improv-

ment of an avenue in the counties of Kings and Queens." [With amendments.]

"An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several Orphan Asylums in this State, other than the city of New York,' passed April 10, 1850."

"An act for the better preservation of horse records." [With amendments.]

"An act for the improvement of the navigation of the Cayuga and Seneca canal."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas."

"An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county."

"An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind and to provide for its management,' passed April 24, 1867."

"An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county."

"An act to incorporate the Oswegatchie Bridge Company."

"An act relating to the examination of candidates for the degree of doctor of medicine."

"An act conferring additional power upon the trustees of the village of Batavia."

"An act to amend chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871."

"An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvements."

"An act to provide for the endowment of the Unadilla academy."

"An act revising, amending and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers."

"An act to provide for the laying out, opening, extension and improvement of an avenue in the counties of Kings and Queens."

"An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several Orphan Asylums in this State, other than the city of New York, passed April 10, 1850."

Mr. O'Brien presented three remonstrances of property owners against

the passage of the act incorporating the Gilbert Elevated Railroad; which were read and referred to the committee on railroads.

Mr. McGowan presented a petition of citizens of Herkimer for the passage of an act for the preservation of fish in Steele and McGowan creek; which was read and referred to the committee on internal affairs.

Mr. McGowan presented two petitions relative to the completion of bridge over Mohawk river at Fink's Basin; which were read and referred to the committee on roads and bridges.

Mr. Cock presented two petitions of citizens of Long Island relative to reopening of West avenue; which were read and referred to the committee on the affairs of cities.

Mr. Madden presented a petition of citizens of Newburgh in favor of prison reform; which was read and referred to the committee on State prisons.

Mr. Johnson presented a petition of citizens of Yates county for appropriation to rebuild the locks on Crooked Lake canal; which was read and referred to the committee on canals.

Mr. Chatfield presented a petition of citizens of Oswego relative to prison reform; which was read and referred to the committee on State prisons.

Mr. Tiemann presented a petition of the residents of Harlem in favor of opening 127th, 128th and 129th streets, New York city; which was read and referred to the committee on the affairs of cities.

Mr. Weismann presented a petition of Sisters of the Poor of St. Francis' Hospital for aid; which was read and referred to the committee on finance.

Also, a petition of St. Joseph's Asylum, in the city of New York, for aid; which was read and referred to the committee on finance.

Mr. Chatfield presented a petition for the passage of an act restricting the sale of intoxicating liquors; which was read and referred to the committee on internal affairs.

Mr. Winslow presented a petition of citizens of Watertown praying for an act exempting mortgages from taxation; which was read and referred to the committee on the judiciary.

Mr. Dickison, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to change the time of the appointment of overseers of highways and to define their duties in the county of Suffolk," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village passed March 17, 1860,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the Assembly bill entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for supplying the city of Hudson, Columbia county, with pure and wholesome water,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to amend chapter 280 of the Laws of 1845 relative to the publication of the Session Laws in each county in the State, and acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act in relation to certain lands in the twelfth ward of the city of New York belonging to the mayor, aldermen, and commonalty of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to legalize and confirm the official acts of David B. Phillips, of the city of Brooklyn, county of Kings and State of New York, as notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act for the appointment of an interpreter in the police justice and justices' courts of the city of Brooklyn,' passed May 3, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to provide an assistant clerk of the court of general sessions of the peace in and for the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. McGowan asked and obtained leave to introduce a bill entitled "An act for the preservation of fish in the waters of Steele's creek and McGowan's creek in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly sent for concurrence the bill entitled as follows :

"An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same."

On motion of Mr. Lord, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
Benedict

Bowen  
Dickinson  
Foster

Graham  
Harrower  
Johnson

Lewis  
Lord  
McGowan

Tiemann  
Weismann  
J. Wood

Mr. Lord moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

On motion of Mr. Dickinson, the Senate adjourned.

## SATURDAY, MARCH 30, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Perry presented two petitions of property holders in the city of Brooklyn for passage of a bill providing for the construction of sewers therein; which were read and referred to the committee on the affairs of cities.

Mr. McGowan presented a petition of citizens of Danube respecting the vote of the towns of Danube, Manheim and Little Falls relative to Fink's bridge; which was read and referred to the committee on roads and bridges.

Mr. Weismann presented resolutions adopted at a mass meeting of citizens of the sixth senatorial district in favor of the passage of a charter proposed by the committee of seventy; which were read and committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act making an appropriation for Samuel Wyatt, widow of Samuel Wyatt," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to certain lands in the twelfth ward of the city of New York belonging to the mayor, aldermen and commonalty of said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to imprisonment for contempt in surrogate courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prevent frauds in the sale of patent rights," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of "

Bainbridge, in the county of Chenango," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," reported in favor of the passage of the same.

Mr. Perry moved that the report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to provide for increased penalties for riding or driving any animal or animals across bridges or over rivers in the town of Brasher, St. Lawrence county."

"An act for the improvement of the navigation of the Cayuga and Seneca canal."

"An act for the better preservation of horse records."

"An act to authorize the construction of a sewer in the county of Kings from the county buildings at Flatbush, in said county."

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Washington Park Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the annual report of the American Geographical Society of New York; which was laid on the table and ordered printed.

(See Doc. No. .)

Mr. Benedict offered the following:

*Resolved*, That one thousand copies of the annual report of the American Geographical Society of New York (presented to the Legislature in pursuance of law) be printed on fine paper for the use of said society for foreign exchanges, etc.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly sent for concurrence a resolution in the words following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting him to return Assembly bill No. 51, entitled "An act in relation to the Chemung Railroad Company," for amendment.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Also, the following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting him to return for amendment Assembly bill No. 111, entitled "An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsbury, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"



By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Also, the following:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor requesting him to return to this House, for the purpose of amendment, Assembly bill entitled "An act to amend an act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners," passed April 18, 1872."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to authorize the construction of gas works and the manufacture and sale of gas for the purpose of lighting the village of Port Jervis, Orange county, New York, and the streets, avenues and buildings therein, and to lay pipe for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the Mutual Trust Institution of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act making appropriations for the payment of the principal interest on the canal debt, commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 1 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tiemann, and by unanimous consent, said bill was committed to the first committee of the whole.

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," which was read the first time.

and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend the act, chapter 778 of the Laws of 1871, re-appropriating certain moneys for the construction of new work upon, and extraordinary repairs of the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to change and fix the number of trustees of the Attica Union Free School and Academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to erect the village of Greenville into a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act granting to the West Shore Land Improvement Company further powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act in relation to the Brooklyn City and Newtown Railroad Company," which was read the first time, and by unanimous consent was also read the second time,

On motion of Mr. Perry, and by unanimous consent, said bill was committed to the committee of the whole.

"An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Coxsackie, in the county of Greene, died seized, and authorizing his heirs at law to hold and convey the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the dissolution of religious societies, except in the city and county of New York, and for the sale and disposition of the proceeds of the property of such societies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom," which was read the first time, and by unanimous consent was

read the second time, and referred to the committee on the judiciary.

An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 8, 1849, passed February 2, 1871," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to authorize the board of supervisors of the county of Westchester to purchase City Island Bridge (so called) in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

An act to provide for the improvement of a portion of Coney Island Park-road, as recently widened," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

An act to extend the time for the collection of taxes in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend its railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

An act to incorporate the Soldiers' Monument Society of Niagara County," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to provide for the adjusting of certain accounts of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of the cities.

An act in relation to the First Baptist Church and Society in Ogdensburg," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

An act authorizing the city of Rochester to issue its bonds to the amount not to exceed seventy-five thousand dollars for the purpose of building a free academy.

On motion of Mr. Lord said bill was substituted for Senate bill of the same title, which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

An act to repeal chapter 906 of the Laws of 1869, and chapter 356 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as they relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road therein mentioned," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes in payment of interest and principal to become due on the bonds executed as hereafter to be issued by the town of Bethel, and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad and its branches; and to provide for the deficiency of town taxes occasioned thereby," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act relative to the streets, avenues, wharves, piers, and bulkheads of the village of College Point, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the relief of the inhabitants of union school district No. 1, in the town of Moreau, in the county of Saratoga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots, number twelve and number twenty-four, of the original township of Cato, now Ira, in the county of Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Society of St. Vincent de Paul, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the laying out, opening, and working of a public highway in the village of Canandaigua, Ontario county, and raising money

defray the expenses of working said highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act regulating the sale of leaf tobacco in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to lay out a public highway in the towns of Rutland and Roy, in the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the South Worcester Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act entitled 'An act to amend an act entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the construction of a bridge over Tunison's creek in Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 549 of the Laws of 1868, entitled 'An act to regulate, grade and macadamize the highway known as the Westchester turnpike and Post-road, commencing at a point in said road, on the line dividing the towns of West Farms and Morrisania, and the acts amendatory thereof, to discharge the commissioners appointed by such act and amendatory thereof, and to empower the town officers of the various towns, and the president and trustees of the village of New Rochelle, through which said turnpike and post-road passes, to perform certain duties,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the resolution of the Senate requesting the Governor to return the bill entitled "An act authorizing the town of the Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town," with a message that they had concurred in the passage of the same.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York."

"An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

"An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867."

"An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession in the city and county of New York to certain real estate occupied by it in said city."

"An act to incorporate the Little Valley Water-works Company."

"An act for the relief of Cornelia Townsend."

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act to authorize the Binghamton, Onondaga and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act in relation to railroad crossings in cities and incorporated villages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to regulate the transportation of milk over the Erie railway and its branches," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to provide for supplying the village of Whitestone, in the county of Queens, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act in relation to Savings Banks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Tiemann offered the following:

*Resolved*, That the comptroller of the city of New York furnish to the Senate a statement of the sums of money paid by the city of New York for, or on account of, the erection of a market in the Eighteenth ward of said city, and the particulars for which the said moneys were paid, and an estimate of the value of the buildings erected.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. McGowan offered the following:

*Resolved*, That the contractors for doing the legislative printing are hereby requested to report to the Senate, at the earliest possible time, the reason for their delay in printing the bills of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Also, the following:

*Resolved*, That when the Senate adjourn to-day it stand adjourned until Monday evening at half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Baker offered the following:

*Resolved*, That Senate bill No. 298, entitled "An act to facilitate the construction of the New York and Canada railroad," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company."

Assembly, "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company."

Assembly, "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of industry."

After some time spent therein the President resumed the chair, and Mr. Cock, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Cock, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Lord, and by unanimous consent, the bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," was ordered to be considered in the first committee of the whole.

On motion of Mr. D. P. Wood, and by unanimous consent, the bill entitled "An act making an appropriation for Sarah Wyatt, widow of

Samuel Wyatt," was ordered to be considered in the first committee of the whole.

On motion of Mr. McGowan, and by unanimous consent, the bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend section fourteen of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866."

Assembly, "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt."

Assembly, "An act in relation to the location and erection of public buildings for the use of the city of Rochester."

After some time spent therein the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

On motion of Mr. Perry, and by unanimous consent, the bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," was ordered to be considered in the first committee of the whole.

On motion of Mr. Madden, and by unanimous consent, the bill entitled "An act to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States," was ordered to be considered in the first committee of the whole.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled "An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," was ordered to be considered in the first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act in relation to the Brooklyn City and Newtown Railroad Company."

"An act authorizing the board of supervisors of the county of Westchester, to investigate the acts and proceedings of certain boards of commissioners for making or extending highways."

"An act to provide for furnishing two statutes of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States."

After some time spent therein, the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Adams, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Baker, and by unanimous consent, the bill entitled "An act to provide for the erection of houses of detention or lock-ups in the several towns of the State," was ordered to be considered in the first committee of the whole.

On motion of Mr. Graham, the Senate adjourned.

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### MONDAY, APRIL 1, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of Saturday was read and approved.

The President presented a report of the Board of Commissioners of the Department of Public Parks of the city of New York, in compliance with an act of the Legislature, passed April 15, 1871, relating to improvements of portions of the counties of Westchester and New York, the improvement of Spuyten Duyvil creek and Harlem river, and to facilities of communication between said counties; which was laid on the table and ordered printed.

(See Doc. No. 58.)

Also, a resolution of common council of the city of New York, disapproving the repeal of the act authorizing the purchase of certain lands in Putnam county, with a view to increase the supply of water for the city of New York; which was read and laid on the table.

Mr. Robertson presented a remonstrance of citizens of New Rochelle against the act to grade, regulate and gravel North street, in the town of New Rochelle; which was read and referred to the committee on roads and bridges.

Mr. Tiemann presented a petition of inhabitants on the Third avenue against any elevated railroad along said avenue; which was read and referred to the committee on railroads.

Mr. Benedict presented a petition of John Palmer and others for an amendment to the Constitution; which was read and referred to the committee on the judiciary.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of David B. Phillips, of the city of Brooklyn, county of Kings, and State of New York, as notary public," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable Mary Conlon to take and hold real estate, and to release to her the interest and title in

lands escheated to the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands, of which Thomas Breen died seized, to Margaret Breen, his widow," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend chapter 190 of the Laws of 1870 in relation to supervisors of the county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act to prevent prostitution and abortion in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the completion of Westchester avenue in the towns of White Plains, Harrison, and Rye, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Tiemann offered the following:

*Resolved* (if the Assembly concur), That the comptroller of New York county is hereby directed to make a full and complete examination of all the transactions of the present new court-house commissioners of said county appointed under the Laws of 1870, chapter 382, section 11; for what they expended the \$600,000 given them for final completion of said building; whether any of said appropriation had been used to pay claims against the former board of supervisors; also as to the use made of the appropriation of 1871, chapter 583, section 7; what was done with the \$200,000 given them by the late comptroller; also what use was made of the money said to have been advanced them by the Tenth National bank, and to advertise for and report the amount of all legal claims against them; that the aforesaid commissioners are hereby ordered and directed to allow said comptroller or his representative full and free access to copy and examine all books, documents, plans, etc., in their possession, and every document appertaining to their office. The comptroller shall also state the amount necessary to complete said court-house; and he shall, if necessary, employ an expert and clerical force to make this examination, and report to this Legislature within ten days after the receipt of this resolution.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict moved that the bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proof, the citizens who shall be entitled to the right of suffrage thereat," be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Lowery, and by unanimous consent, the bill entitled "An act to provide for the construction of a canal bridge over the Erie

canal at Madison street, in the city of Rome," was ordered to be considered in the first committee of the whole.

On motion of Mr. Lord, and by unanimous consent, the bill entitled "An act relating to lands devised by David Stanley, deceased," was ordered to be considered in the first committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to provide for the erection of houses of detention or lock-ups in the several towns in the State."

"An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome."

"An act relating to lands devised by David Stanley, deceased."

After some time spent therein the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Baker, and by unanimous consent, the Assembly bill entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," was ordered to be considered in the first committee of the whole.

On motion of Mr. Johnson, and by unanimous consent, the bill entitled "An act to amend the charter of the Reserve Mutual Life Insurance Company," was ordered to be considered in the first committee of the whole.

On motion of Mr. D. P. Wood, and by unanimous consent, the "Concurrent resolution proposing amendment to the Constitution relative to State prisons," was ordered to be considered in the first committee of the whole.

On motion of Mr. Benedict, and by unanimous consent, the bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend the charter of the Reserve Mutual Life Insurance Company."

Assembly, "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money."

Also, "Concurrent resolution proposing amendment to the Constitution relative to State prisons."

*Resolved* (if the Assembly concur), That the following amendment to the Constitution be proposed for adoption to the people of the State, to wit:

1. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the

end of each two years during the first ten years, and vacancies in the office of manager thus or otherwise occurring shall be filled in like manner.

2. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to county jails and other penal and reformatory institutions in this State as the Legislature may prescribe.

3. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the Legislature or the board may prescribe, and shall receive a salary to be determined by law.

4. The members of the board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duty.

5. The board shall appoint the warden (or chief officer), physician, chaplain and clerk or financial officer of each State prison, and shall have power to remove them for cause, after an opportunity to be heard on written charges. All other officers of each prison shall be appointed by the warden thereof, and be removable at his pleasure.

6. The Governor may remove either of the managers for misconduct, incompetency or neglect of duty, after the opportunity to be heard on written charges.

7. The amendment shall go into effect on the first Monday of January after its adoption by the people, from and after which date section 4 of article 5 of the Constitution shall be null and void.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Benedict, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Benedict, from the same committee, reported in favor of the passage of said named resolution, with amendments, which report was agreed to.

The question being upon the adoption of said resolution,

Mr. Woodin moved that the question be postponed until to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Lord, and by unanimous consent, the Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy," was ordered to be considered in the first committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, the bill entitled "An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duties," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :



Assembly, "An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy."

"An act to alter the map or plan of the city of New York, by extending Desbrosses street."

"An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duties."

After some time spent therein, the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled "An act to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers," was ordered to be considered in the first committee of the whole.

On motion of Mr. Foster, and by unanimous consent, the bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," was ordered to be considered in the first committee of the whole.

On motion of Mr. O'Brien, and by unanimous consent, the bill entitled "An act to incorporate the New York Construction Company of the city of New York," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers."

"An act to incorporate the New York Construction Company of the city of New York."

"An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association."

After some time spent therein, the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Baker, and by unanimous consent, the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road-bridge over Champlain canal in the village of Fort Edward, in the county of Washington," was ordered to be considered in the first committee of the whole.

On motion of Mr. Allen, the Senate adjourned.

## TUESDAY, APRIL 2, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Marshall.

The journal of yesterday was read and approved.

The Assembly bill entitled "An act the authorize to town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Weismann
Allen	Cock	Harrower	Perry	D. P. Wood
Baker	Dickinson	Johnson	Robertson	J. Wood
Benedict	Foster	Lowery	Tiemann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind and to provide for its management,' passed April 24, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Weismann
Allen	Cock	Johnson	Perry	D. P. Wood
Baker	Dickinson	Lewis	Robertson	J. Wood
Benedict	Foster	Lowery	Tiemann	Woodin
				20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act revising, amending, and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann
Allen	Dickinson	Jehnsen	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Bowen	Graham	McGowan	Tiemann	Woodin
				20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Oswegatchie Bridge Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann	
Allen	Dickinson	Johnson	Perry	D. P. Wood	
Baker	Foster	Lowery	Robertson	J. Wood	
Bowen	Graham	McGowan	Tiemann	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company."

"An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866."

"An act to provide for the erection of houses of detention or lock-ups in the several towns in the State."

"An act to amend the charter of the Reserve Mutual Life Insurance Company."

"An act to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers."

"An act authorizing the board of supervisors of the county of Westchester, to investigate the acts and proceedings of certain boards of commissioners for making or extending highways."

"An act to provide for the construction of a canal bridge over the Erie canal at Madison street in the city of Rome."

"An act to alter the map or plan of the city of New York, by extending Desbrosses street."

The Assembly bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson	
Allen	Cock	Harrower	O'Brien	Weismann	
Baker	Dickinson	Johnson	Perry	Woodin	
Benedict	Foster	Lewis			18

FOR THE NEGATIVE.

Tiemann

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Tiemann
Baker	Dickinson	Johnson	O'Brien	Weismann
Benedict	Foster	Lowery	Perry	D. P. Wood
Bowen	Graham	McGowan	Robertson	J. Wood

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 114 of the Laws of 1870, entitled 'An act to amend chapter 380 of the Laws of 1868, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled 'An act to amend and consolidate the several acts relating to the village of Batavia, to alter the bounds, and to enlarge the powers of the corporation of said village,'" and chapter 29 of the Laws of 1866, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia,' passed April 27, 1868,'" having been announced for a third reading,

Mr. Bowen moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Weismann
Allen	Dickinson	Lewis	O'Brien	D. P. Wood
Baker	Foster	Lord	Perry	J. Wood
Benedict	Graham	Lowery	Robertson	Woodin
Bowen	Harrower	McGowan	Tiemann	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvement," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lord	Perry	D. P. Wood
Baker	Graham	Lowery	Robertson	J. Wood
Benedict	Harrower	McGowan	Tiemann	Woodin
Cock	Johnson	Madden		

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Bowen	Harrower	Madden	Tiemann	Woodin
Cock	Johnson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the endowment of the Unadilla academy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Weismann
Allen	Dickinson	Johnson	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Graham	McGowan	Tiemann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the examination of candidates for the degree of doctor of medicine," having been announced for a third reading,

On motion of Mr. Lowery, and by unanimous consent, said bill was amended as follows:

Section 1, line 1, after the word "university," insert the words "of the State of New York."

Same section, line 3, strike out the word "be," and insert in lieu thereof the words "have been."

Section 2, line 2, after the word "chancellor," insert the words "of said university."

Section 3, line 1, after the word "medica," insert the words "pathology, histology, clinical medicine."

Section 4, line 2, after the word "the," insert the word "said."

Strike out section 5, and insert the following in lieu thereof:

"§ 5. Any person over twenty-one years of age of good moral character, on paying not less than thirty-five dollars into the treasury of the university, and on applying to the chancellor for the aforesaid examination, shall receive an order to that effect addressed to one of the board of examiners, provided he shall adduce proofs satisfactory to the chancellor that he has a competent knowledge of all the branches of learning taught in the common schools of this State, of the Latin and Greek languages, and of the German or French language, and that he has diligently

studied medicine not less than three years under the direction of one or more physicians duly qualified to practice medicine, or has himself been licensed on examination by some medical society or college legally empowered to issue licenses or degrees in medicine."

Said bill, as amended, was then read a third time.  
The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Madden	Robertson
Bowen	Graham	Lowery	O'Brien	Weismann
Cock	Harrower	McGowan	Perry	Woodin
Dickinson	Lewis			

17

FOR THE NEGATIVE.

Allen	Tiemann	D. P. Wood	8
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847," having been announced for a third reading,

On motion of Mr. Adams, and by unanimous consent, said bill was amended as follows :

Section 3, line 15, strike out the word "the," and insert in lieu thereof the word "an."

Same line, after the word "election," insert the words "shall be held ;" same line, strike out the word "first," and insert in lieu thereof the word "third."

Line 17, same section, insert, after the word "two," the word " which." Add, at the end of same section, the following : "At which time the officers named in section two of this act shall be elected."

Said bill, as amended, was then read a third time.  
The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Weismann
Allen	Dickinson	Lewis	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Graham	McGowan	Tiemann	Woodin
Bowen	Harrower	Madden		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to authorize the construction of a sewer in the county of Kings, from the county buildings at Flatbush in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Tiemann
Allen	Foster	Lord	O'Brien	Weismann
Baker	Graham	Lowery	Perry	D. P. Wood
Benedict	Harrower	McGowan	Robertson	Woodin
Bowen	Johnson			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across bridges or over rivers in the town of Brasher, St. Lawrence county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Tiemann
Allen	Foster	Lord	O'Brien	Weismann
Baker	Harrower	Lowery	Perry	J. Wood
Benedict	Johnson	McGowan	Robertson	Woodin
Bowen				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	O'Brien	Weismann
Allen	Graham	Lowery	Perry	D. P. Wood
Baker	Harrower	McGowan	Robertson	J. Wood
Benedict	Johnson	Madden	Tiemann	Woodin
Dickinson	Lewis			

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson
Allen	Cock	Harrower	McGowan	Tiemann
Baker	Dickinson	Lewis	Madden	Weismann
Benedict	Foster	Lord	Perry	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 737 of the Law of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings, and prescribing his powers and duties,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Tiemann
Allen	Foster	Lord	O'Brien	Weismann
Baker	Graham	Lowery	Perry	D. P. Wood
Bowen	Harrower	McGowan	Robertson	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the laying out, opening, extension, and improvement of an avenue in the counties of Kings and Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Weismann
Allen	Foster	Lord	O'Brien	D. P. Wood
Baker	Graham	Lowery	Perry	J. Wood
Bowen	Harrower	McGowan	Robertson	Woodin
Cock	Johnson			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 281 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several orphan asylums in this State other than the city of New York,' passed April 10, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Bowen	Harrower	Madden	Tiemann	Woodin
Cock	Johnson			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the better preservation of horse records," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lord	Perry	D. P. Wood
Baker	Graham	Lowery	Robertson	J. Wood
Benedict	Harrower	McGowan	Tiemann	Woodin
Cock	Johnson	Madden		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lord moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lord	Perry	D. P. Wood
Baker	Graham	Lowery	Robertson	J. Wood
Bowen	Harrower	McGowan	Tiemann	Woodin
Cock	Johnson	Madden		

23

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Weismann
Allen	Graham	Lowery	Perry	D. P. Wood
Baker	Harrower	McGowan	Robertson	J. Wood
Bowen	Johnson	Madden	Tiemann	Woodin
Cock	Lewis			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act for the improvement of the navigation of the Cayuga and Seneca canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	McGowan	Tiemann
Allen	Foster	Lewis	O'Brien	Weismann
Baker	Graham	Lord	Perry	D. P. Wood
Cock	Harrower	Lowery	Robertson	Woodin

20

## FOR THE NEGATIVE.

Bowen 1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions

of certain laws relating to the Whitehall and Plattsburgh Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Bowen	Johnson	Madden	Tiemann	Woodin
Cock	Lewis			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Tiemann	Weismann
Baker	Lord			

7

## FOR THE NEGATIVE.

Allen	Graham	Lewis	O'Brien	D. P. Wood
Bowen	Harrower	Lowery	Perry	Woodin
Cock	Johnson	Madden	Robertson	

14

Mr. Graham moved that the vote by which said bill was lost be reconsidered, and that said motion be laid on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weismann
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	Woodin
Bowen	Graham			

17

## FOR THE NEGATIVE.

Johnson	Lewis	Madden	O'Brien	Tiemann
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5

When the name of Mr. Lewis was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Lewis subsequently voted in the negative.

*Ordered*, That the Clerk return said bill to the Assembly, with a mes-

sage informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Tiemann	
Baker	Foster .	Lord	O'Brien	Weismann	
Bowen	Graham	Lowery	Perry	D. P. Wood	
Cock	Harrower	McGowan	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Tiemann	
Allen	Dickinson	Lord	O'Brien	Weismann	
Baker	Foster	Lowery	Perry	D. P. Wood	
Benedict	Graham	McGowan	Robertson	Woodin	
Bowen					21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the erection of houses of detention or lock-ups in the several towns in the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Baker	Benedict	Cock	Tiemann	5
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FOR THE NEGATIVE.

Bowen	Graham	Lowery	O'Brien	Weismann	
Dickinson	Lewis	Madden	Perry	Woodin	
Foster	Lord				12

Mr. Baker moved that the vote by which said bill was lost be reconsidered, and that said motion be laid on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome," was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Weismann	
Allen	Foster	Lord	Perry	D. P. Wood	
Baker	Graham	Lowery	Robertson	Woodin	
Benedict	Harrower	McGowan	Tiemann		19

## FOR THE NEGATIVE.

Madden	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the Reserve Mutual Life Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Graham	Lord	Perry	Weismann	
Baker	Harrower	Lowery	Robertson	D. P. Wood	
Cock	Johnson	McGowan	Tiemann	Woodin	
Foster	Lewis	O'Brien			18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	* Tiemann	
Baker	Foster	Lord	O'Brien	Weismann	
Benedict	Graham	Lowery	Perry	D. P. Wood	
Bowen	Harrower	McGowan	Robertson	Woodin	
Cock	Johnson				22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	Tiemann	
Allen	Dickinson	Lewis	O'Brien	Weismann	
Baker	Foster	Lord	Perry	D. P. Wood	
Benedict	Graham	Lowery	Robertson	Woodin	
Bowen	Harrower				23



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	McGowan	Tiemann	
Baker	Dickinson	Lewis	Madden	Weismann	
Benedict	Foster	Lord	Perry	D. P. Wood	
Bowen	Graham	Lowery	Robertson	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for examining and auditing the accounts of certain commissioners for making, improving, or extending certain roads in the town of Yonkers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	McGowan	Tiemann	
Baker	Foster	Lewis	Madden	Weismann	
Benedict	Graham	Lord	Perry	D. P. Wood	
Cock	Harrower	Lowery	Robertson	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to issue bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company, in place of stock," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden moved that the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved that the bill entitled "An act prohibiting the use of steam by the Brooklyn, Bath and Cooney Island Railroad Company," be recommitted to the committee on railroads, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved that the bill entitled "An act for the better preservation of horse records," be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act making an appropriation for the purpose of repairing and extending the bridge across Clear creek, on the Cattaraugus Indian reservation, in the town of Collins, in the county of Erie," reported adversely thereto, which report was agreed to.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act declaratory of, and to amend chapter 925 of the Laws of 1871, passed May 12, 1871, entitled 'An act to amend chapter 907 of the Laws of 1869, entitled An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, and also to amend chapter 507 of the Laws of 1870, entitled An act to define the powers of commissioners appointed under chapter 907 of the Laws of 1869, bonding municipalities to aid in the construction of railroads,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the United States Contracting Company to change its name," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal an act entitled 'An act for the appointment of an interpreter in the police justice and justices courts of the city of Brooklyn, passed May 3, 1870," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for the expenses of the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the trustees of the Canajoharie Academy to convey the academy property, of school district No. 8, in the town of Canajoharie," reported adversely thereto, which report was agreed to.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's Place, connecting the Bush road with Sawyer's creek road at Martinsville," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson moved that the Assembly bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred

by the direction of the Governor and Attorney-General, in the city of New York," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on rules, to which was referred the following resolution, reported in favor of the adoption of the same:

*"Resolved, That Senate rule 2 be amended by adding, at the end of the 12th order of business, the following: 'In calling bills, in the order of general orders, the Clerk, unless otherwise ordered by a majority of the Senators voting, shall commence each day where he left off the day of the last call.'"*

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Perry	Weismann
Allen	Cock	Johnson	Robertson	D. P. Wood
Baker	Dickinson	Lord	Tiemann	Woodin
Benedict	Foster	Madden		

18

FOR THE NEGATIVE.

McGowan

1

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish a department of police and health in and for the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, and by unanimous consent, the rule was suspended, and said bills recommitted to the committee on the affairs of cities, with power to report complete.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the fire department of the city of Brooklyn and to reorganize the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, and by unanimous consent, the rule was suspended, and said bill recommitted to the committee on the affairs of cities, with power to report complete.

Mr. Adams, from the select committee of nine, reported complete the bills entitled as follows:

"An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town."

Assembly, "An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo."

Assembly, "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water."

Assembly, "An act to authorize the formation, establishing, and maintaining of driving parks or park associations. [With amendments.]

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Weismann, from the committee on public health, to which was referred the Assembly bill entitled "An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference to which the matters in difference between the two Houses on the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," report that they have had the same under consideration, and have agreed to recommend that the Assembly do recede from their amendment to said bill.

M. L. HUNGERFORD,

L. T. YEOMANS,

D. C. SQUIRES,

*Assembly Committee,*

SAMUEL S. LOWERY,

DANIEL F. TIEMANN,

*Senate Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weismann
Baker	Dickinson	Johnson	Perry	D. P. Wood
Benedict	Foster	Lord	Robertson	Woodin
Bowen	Graham	Lowery	Tiemann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Foster, from the committee on salt, to which was referred the Assembly bill entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to repeal an act entitled 'An act to incorporate the Grand Commandery of the State of New York,' passed April 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the Young Mens' Christian Association of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the establishment of a female department to the Western House of Refuge for Juve-

nile Delinquents," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act relative to the First Baptist Church and Society in the city of Ogdensburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the petition of the American Female Guardian Society, praying for an act appropriating certain money for its support, reported by a bill entitled "An act for the relief of the American Female Guardian Society and Home for the Friendless, of the city of New York, in aid of its industrial schools and other departments of charity," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Mens' Christian Association of the city of Poughkeepsie,' passed April 12, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to provide for the dissolution of religious societies, except in the city and county of New York, and for the sale and disposition of the proceeds of the property of such societies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the trustees of the Home for the destitute children of Madison county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the South Worcester Cemetery Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Society of St. Vincent de Paul, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots number twelve and number twenty-four of the original township of Cato, now Ira, in the county of Cayuga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the First Baptist church and society in Ogdensburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act for the removal of bodies and remains of bodies from a certain burial-ground connected with the Second Reformed church of Bethlehem to the Bethlehem Cemetery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to change the name of the First Universalist society and church in the city of Hudson, and to authorize said society to raise and hold by gift, grant, devise, purchase, or otherwise real and personal estate,' passed March 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate St. Agnes Cemetery of Syracuse," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 7, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry moved that the committee on the affairs of cities be discharged from the further consideration of the following entitled Assembly bills, and that the same be referred to the committee on railroads:

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The committee of conference to which the matters in difference between the two Houses on the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties," reported that



they have had the same under consideration and have agreed to recommend that the Senate do recede from their amendments to said bill.

WM. JOHNSON,  
GEO. BOWEN,  
W. S. DICKINSON,  
*Senate Committee.*

C. S. LINCOLN,  
G. A. GOSS,  
J. B. DYKEMAN,  
M. M. TOMPKINS,  
DOMINICK H. ROCHE,  
*Assembly Committee.*

IN ASSEMBLY, April 2, 1872.

Report of committee of conference agreed to.

By order.

C. S. UNDERWOOD, *Clerk.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann
Allen	Dickinson	Johnson	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Graham	Madden	Tiemann	Woodin
Bowen				

21

FOR THE NEGATIVE.

Lewis

1

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have agreed to the report of the conference committee.

The Assembly returned the bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida, and to fix the place of the annual sessions thereof,'" with a message that they had passed the same with the following amendments :

Strike out all of section 2, page 1. Change section "3" to section "2."

Amend title by striking therefrom the words "and to fix the place of the annual sessions thereof."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Harrower	McGowan	Tiemann	Woodin
Bowen	Johnson			

22

*Ordered,* That the Clerk deliver said bill to the Governor.

A message from the Governor was received and read, in the words following :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, April 1, 1872. }

*To the Senate :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill entitled "An act authoriz-

ing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

### JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Tiemann
Allen	Dickinson	Lord	O'Brien	Weismann
Baker	Foster	Lowery	Perry	D. P. Wood
Benedict	Johnson	McGowan	Robertson	Woodin
Bowen				

21

On motion of Mr. Allen, and by unanimous consent, the bill was amended as follows :

Section 1, line 6, engrossed bill, strike out the words "chapter one hundred and sixty-six and."

Same section, line 7, insert, after the word "chapter," the words "one hundred and sixty-six and."

Same line, make the word "chapter" read "chapters."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Johnson	McGowan	Tiemann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson presented a remonstrance of citizens of Yonkers against the bill to drain the valley of Saw Mill river, in Westchester county; which was read and referred to the committee on roads and bridges.

Mr. Foster presented three remonstrances of property owners of New Utrecht and Gravesend against the act prohibiting the use of steam on Brooklyn, Bath and Coney Island railroad; which was read and committed to the committee of the whole.

Mr. Bowen presented a petition of citizens of Batavia in favor of amendment to the Constitution in regard to prison management; which was read and committed to the committee of the whole.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, amended January 12, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Troy Young Mens' Association,' passed April 20, 1835," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Lutheran Cemetery at Middle Village, L. I.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Benedict offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor requesting him to return to the Senate, for the purpose of amendment, Senate bill No. 157, entitled "An act to amend and in addition to an act to incorporate the New England Society in the city of New York, passed April 15, 1833."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. O'Brien offered the following :

*Resolved*, That a committee consisting of the Senators from New York city, with power to send for persons and papers, be appointed to inquire into and report to this body, at the earliest possible day, whether the Society of the New York Hospital has carried out the objects for which it was incorporated ; also, the value of all the property, real and personal, at present held by the said corporation, with the amount of the annual revenue of the same, and the purposes to which the said revenue is applied.

Mr. Madden moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to take from the table the question agreeing to the adverse report of the committee on railroads upon the bill entitled "An act to regulate railroad freights in the State of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to disagree with the report of the committee, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved that said bill be made a special order for Thursday next at twelve o'clock, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood moved to take from the table the concurrent resolution, as follows:

*Resolved* (if the Assembly concur), That the Governor of the State is hereby authorized to appoint two commissioners to represent the State of New York in the International Congress on the prevention and suppression of crime, to be held in the city of London on the third day of July, 1872."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Robertson offered the following:

*Resolved*, That ten copies of the annual report of the Eclectic Medical Society of the State of New York, for the year ending 1871, be printed for each member, officer and reporter of the Senate, and 2,000 copies for the use of said Society.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry moved that the bill entitled "An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State."

Assembly, "An act to authorize the Canal Commissioner to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington."

After some time spent therein, the President resumed the chair, and Mr. Cock, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Cock, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

A message from the Assembly was received and read as follows :

IN ASSEMBLY, *March 26, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act for the prevention of the procurement of abortions and the like offenses, and to amend the laws relative thereto."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Mackay, and by unanimous consent, the same was amended as follows :

Strike out all of section 1 down to and including the words "as follows," and inserting, after the words "who shall" in same section, the word "hereafter."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Bowen				

21

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	O'Brien	Weismann
Allen	Dickinson	Lewis	Perry	D. P. Wood
Baker	Foster	Lord	Robertson	J. Wood
Benedict	Graham	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Baker, the Senate took a recess until half past seven o'clock P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Robertson, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Adams, and by unanimous consent, the bill entitled "An act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a custom-house and court-house at Albany, and ceding jurisdiction over

the same," was ordered to be considered in the first committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Troy Young Men's Association,' passed April 30, 1835," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution."

Assembly, "An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same."

Resolution, "That the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the court of appeals."

"Whereas, At the last session of the Legislature the following amendment to the Constitution was proposed in the Senate and Assembly, viz.:

"That the sixth article of the Constitution of this State be amended by adding thereto the following section:

"§ 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the Commissioners of Appeals; and the Legislature may extend the term of service of the Commissioners of Appeals not exceeding two years."

"And whereas, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators;

"And whereas, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution; therefore,

"Resolved (if the Assembly concur), That the Senate do agree to the proposed amendment."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Madden moved that the bill be recommitted to the select committee of nine on that subject, with instructions to confer with Senators from the several districts.

Mr. Allen moved to amend by instructing the committee to fix the salary of each county judge and surrogate in the several counties throughout the State, and report the same to the Senate.

The President put the question whether the Senate would agree to said motion of Mr. Allen, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

Mr. Dickinson, from the same committee, reported in favor of the pas-



sage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Dickinson, from the same committee, reported that they had considered the last named resolution, and recommend the passage of the same.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Murphy	Tiemann
Allen	Dickinson	Johnson	O'Brien	Weismann
Baker	Foster	Lord	Perry	J. Wood
Benedict	Graham	Madden	Robertson	Woodin
				20

FOR THE NEGATIVE.

Bowen	Lewis	Lowery	D. P. Wood	4
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*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Perry moved that the Assembly bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," be ordered to be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lord moved that the following Assembly bills be considered in the first committee of the whole :

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway in the city of Brooklyn."

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor."

"An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company, in place of stock."

After some time spent therein the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of said named bills, which report was agreed to, and said bills ordered to a third reading.

On motion of Mr. Lord, and by unanimous consent, the following Assembly bills were ordered to be considered in the first committee of the whole.

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

Mr. D. P. Wood moved that the Assembly bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to amend chapter 12 of the Laws of 1872 entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.'"

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

After some time spent therein the President resumed the chair, and Mr. Foster, from said committee, reported in favor of the passage of the first and last named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Foster, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Lord moved that the committee of the whole be discharged from further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

WEDNESDAY, APRIL 3, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Reese.

The journal of yesterday was read and approved.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, April 3, 1872.

*To the Legislature :*

The telegraph to-day announces the death of its inventor, Samuel S. B. Morse. Born in Massachusetts, his home has for many years of his eventful life been New York.

His fame belongs to neither, but to his country and to the world ; yet it seems fitting that this great State, in which he lived and died, should be the first to pay appropriate honors to his memory.

Living, he received from governments everywhere more public honors than were ever paid to any American private citizen. Dead, let all the people pay homage to his name.

I respectfully recommend to the Legislature the adoption of such resolutions as may be suitable, and the appointment of a joint committee to attend the funeral of the illustrious deceased.

JOHN T. HOFFMAN.

Mr. Woodin moved that a committee of three be appointed by the President to draft appropriate resolutions expressive of the sense of the Senate upon the occasion.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Woodin, D. P. Wood and Murphy.

Mr. Murphy offered the following :

*Resolved, unanimously,* That as a testimonial of respect to the memory of our distinguished fellow-citizen, the late Samuel S. B. Morse, the members and officers of the Senate wear crape on the left arm during the residue of the present session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict moved that a committee of three be appointed by the President to attend the funeral of Professor Morse.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Benedict, Robertson, and Lord.

Mr. Robertson presented a memorial of the Society of Friends for the abolition of all laws granting licenses for the sale of intoxicating liquors ; which was read and referred to the committee on internal affairs.

Mr. Chatfield presented two petitions of citizens of Binghamton for a law authorizing the city of Binghamton to use a portion of the Chenango

canal for a public street ; which were read and referred to the committee on the affairs of cities.

Mr. Lowery presented a petition in favor of the construction of a swing bridge over the Erie canal, in the city of Utica ; which was read and referred to the committee on canals.

Also, a petition of the common council of the city of Utica for a law to authorize said city to borrow money ; which was read and referred to the committee on the affairs of cities.

Mr. Chatfield presented two remonstrances against opening the Coney Island road in Flatbush, L. I. ; which were read and referred to the committee on roads and bridges.

Mr. Murphy presented a remonstrance against an act to provide for the improvement of a portion of the Coney Island Plank-road ; which was read and referred to the committee on roads and bridges.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act for the preservation of fish in the waters of Steele's creek and McGowan's creek, in the county of Herkimer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Soldiers' Monument Society of Niagara county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn to Sarah Groom," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the devisees and heirs at law of Louis Planer and Josephine Planer, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to extend Monhagen avenue in the town of Walkill, Orange county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges to which was referred the bill entitled "An act requiring commissioners of highways to act as inspectors of plank-roads," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to Union avenue in the towns of Mamaroneck and Rye, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 906 of the

Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said act referred to," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 549 of the Laws of 1868, entitled 'An act to regulate, grade, and macadamize the highways known as the Westchester turnpike and post-road, commencing at a point in said road on the line dividing the towns of West Farms and Morrisania, and the acts amendatory thereof to discharge the commissioners appointed by such act or acts amendatory thereof, and to empower the town officers of the various towns and the president and trustees of the village of New Rochelle, through which said turnpike and post-road passes, to perform certain acts,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off its debt incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 190 of the Laws of 1870 in relation to supervisors of the county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which

was referred the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 28, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for supplying the village of College Point with pure and wholesome water," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act in relation to the incorporation of the village of Whitney Point," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the Lake to Rockland lake landing in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in town of New Lots, Kings county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the construction of a bridge over Tunison's creek, in Richmond county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to erect the village of Greenville into a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town."

"An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo."

"An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duties."



"An act for the organization and incorporation of the Lenox Farmers and Mechanics' Association."

"An act to incorporate the New York Construction Company of the city of New York."

Resolution, "That the Senate agree to the proposed amendment of the Constitution relative to the Court of Appeals."

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845, passed December 14, 1847," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters in the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the construction of a main and lateral drain or sewer in Navy street, John street and Hudson avenue and other streets and avenues in the city of Brooklyn," passed April 6, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the select committee of two, consisting of Senators of Kings county, to which was referred the Assembly bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871." [With amendments.]

"An act to amend the act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848." [With amendments.]

"An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the commonwealth of Pennsylvania, to hold real estate for the purposes of its business."

Assembly, "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies.'"

"An act increasing the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany."

"An act to amend an act entitled 'An act for the support and relief of the poor, and for the government of the poor department in the county of Erie.'"

"An act to define the jail limits of the county of Jefferson."

"An act to authorize the surrogates' courts in all the counties of this State to appoint auditors."

Assembly, "An act to amend an act entitled 'An act to consolidate and

amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861."

"An act confirming certain proceedings of the common council of the city of Buffalo, and authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago."

"An act relating to lands in the city of New York, devised by Francis Wiener, deceased."

"An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870."

"An act to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railroad companies." [With amendments.]

On motion of Mr. Perry, and by unanimous consent, the bill entitled "An act to amend the act entitled 'An act to authorize the formation of Gas-light Companies,' passed April 16, 1848," was amended as follows:

§ 2. Section three (3) of said act is hereby so amended that the stockholders of any such company may elect, not to exceed thirteen (13) instead of nine (9) directors to manage the affairs of such company.

§ 3. This act shall take effect immediately.

The president put the question whether the Senate would agree to said report of the committee, as amended, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Lowery, from the committee on manufactures, to which was referred the Assembly bill entitled "An act regulating the sale of leaf tobacco in the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to limit the amount of money to be paid to the Hornell Library Association to five hundred dollars, and to amend chapter 549 of the Laws of 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building, and provide means for payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Saint Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca, and to incorporate the same,' passed April 5, 1864," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to change and fix the number of trustees of the Attica Union Free School and Academy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act for the relief of the inhabitants of Union School district No. 1 in the town of Moreau, in the county of Saratoga," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 3, 1872. }

*To the Senate:*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 157 entitled "An act to incorporate the New England Society of the city of New York," passed April 15, 1833."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	D. P. Wood	
Allen	Cock	Lord	Tiemann	J. Wood	
Baker	Dickinson	McGowan	Wagner	Woodin	
Bowen	Graham	Murphy	Weismann		19

Mr. Benedict moved to lay the bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to incorporate the Safe Deposit and Trust Company of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to incorporate the Buffalo Catholic Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to change the corporate name of the Society of Columbia of Richford, Tioga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act supplementary to and amendatory of an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog, and other low and wet lands in the village of White Plains and adjacent thereto,' passed May 2, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the Iron Viaduct Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to the defense of sheriffs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to confirm an assessment for the expense of paving Broad street in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act providing for the laying out, opening and altering streets, avenues and public places and parks in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend chapter 37 of the Laws of 1848, entitled 'An act to authorize the formation of Gas Light Companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act relative to purchasers of the franchises and property of corporations, whose franchises and property shall have been sold by mortgage, judgment or decree," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of Carthage, Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to incorporate the American Land Emigration Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Dickinson, from the committee on roads and bridges, to which he referred the Assembly bill entitled "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway," reported in favor of the passage of the same, and the bill was committed to the committee of the whole.

The bill entitled "An act to amend chapter 360 of the Laws of 1864, entitled 'An act to amend an act entitled "An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg," passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Tiemann	D. P. Wood
Allen	Chatfield	Lowery	Wagner	J. Wood
Baker	Cock	Perry	Weismann	Woodin
Benedict	Foster	Robertson	Winslow	

#### FOR THE NEGATIVE.

Dickinson

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Robertson, the bill entitled "An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	Robertson	Weismann
Baker	Harrower	McGowan	Tiemann	D. P. Wood
Dickinson	Johnson	Murphy	Wagner	Woodin
Foster	Lord	Perry		

#### FOR THE NEGATIVE.

Allen	Bowen	Chatfield	Cock	Winslow
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Baker moved to take from the table the motion by which the bill entitled "An act to provide for the erection of houses of detention for lock-ups in the several towns in the State," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Baker moved to reconsider the vote by which said bill was lost.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Baker	Harrower	McGowan	Wagner	Woodin
Bowen	Johnson	Perry	Weismann	19

## FOR THE NEGATIVE.

Chatfield 1

On motion of Mr. Baker, and by unanimous consent, said bill was amended as follows :

§ 2. Said houses of detention or lock-ups may be used for the purpose of keeping and confining all persons temporarily arrested by any constable or officer in said town, or committed by any magistrate of said town, and may be used for keeping and confining any and all persons arrested or committed for any crime in said towns, the same as in any county jail, except that no person shall be confined therein after final commitment to serve out any sentence of the court after he shall be found guilty of any offense.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Robertson	Winslow
Baker	Cock	Lewis	Tiemann	D. P. Wood
Benedict	Foster	Lowery	Wagner	J. Wood
Bowen	Harrower	McGowan	Weismann	Woodin
				20

## FOR THE NEGATIVE.

Dickinson 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Robertson	Weismann
Allen	Harrower	McGowan	Tiemann	D. P. Wood
Benedict	Johnson	Perry	Wagner	Woodin
Chatfield	Lewis			17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the election of a police justice



in and for the village of Cayuga, and defining his power and duties was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lowery	Perry	Weismann
Allen	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	Madden	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield	Lewis			

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the New York Construction Company of the city of New York," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, the bill was amended as follows :

Line 5, section 4, strike out the word "fifty," and insert in lieu thereof the words "one hundred."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Graham	McGowan	Tiemann	Winslow
Chatfield	Harrower	Madden	Wagner	D. P. Wood
Cock	Lewis	Perry	Weismann	Woodin
Dickinson	Lowery	Robertson		

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Cock	Lewis	Madden	Weismann
Allen	Dickinson	Lord	Perry	D. P. Wood
Bowen	Graham	Lowery	Robertson	Woodin
Chatfield	Harrower	McGowan	Wagner	

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Weismann
Allen	Cock	Johnson	O'Brien	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Lowery	Tiemann	Woodin
Bowen	Graham	McGowan	Wagner	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lord	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	Woodin
Chatfield	Harrower	Madden	Wagner	

19

## FOR THE NEGATIVE.

O'Brien

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Tiemann	Winslow
Baker	Graham	McGowan	Wagner	D. P. Wood
Benedict	Lewis	Madden	Weismann	Woodin
Dickinson	Lord	Robertson		

18

## FOR THE NEGATIVE.

Chatfield

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for supplying the town of Hudson, Columbia county, New York, with pure and wholesome water," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	Woodin
Bowen				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same with amendments.

The hour of twelve o'clock having arrived, the President announced executive session.

Mr. Lowery moved that the executive session be postponed until one o'clock, P. M.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the formation, establishing, and maintaining of driving park, park, and agricultural associations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	Woodin
Benedict	Graham	Madden	Wagner	

FOR THE NEGATIVE.

Chatfield

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal in the village of Fort Edward, in the county of Washington," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Weismann
Allen	Chatfield	Harrower	Perry	D. P. Wood
Baker	Dickinson	Lord	Robertson	Woodin
Benedict	Foster	Lowery	Wagner	

## FOR THE NEGATIVE.

Cock

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Cock	Lewis	Robertson	Winslow
Baker	Foster	Lord	Tiemann	D. P. Wood
Benedict	Graham	McGowan	Wagner	Woodin
Bowen	Harrower	Madden		

28

*Ordered,* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Tiemann
Allen	Chatfield	Madden	Wagner	
Baker	Cock	Johnson	Perry	Weismann
Benedict	Foster	Lord	Robertson	D. P. Wood

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company in place of stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Wagner
Allen	Chatfield	Harrower	Madden	Weismann
Baker	Cock	Lord	Perry	Winslow
Benedict	Foster	Lowery	Tiemann	Woodin

20

## FOR THE NEGATIVE.

O'Brien

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Robertson	Winslow
Allen	Foster	McGowan	Tiemann	D. P. Wood
Baker	Graham	O'Brien	Wagner	Woodin
Benedict	Harrower	Perry	Weismann	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Wagner
Allen	Cock	Harrower	McGowan	Weismann
Baker	Dickinson	Lewis	Perry	D. P. Wood
Bowen	Foster	Lord	Tiemann	

## FOR THE NEGATIVE.

O'Brien

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	McGowan	Winslow
Baker	Dickinson	Lewis	Madden	D. P. Wood
Bowen	Foster	Lord	Perry	Woodin
Chatfield	Graham	Lowery	Weismann	

## FOR THE NEGATIVE.

Tiemann

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Under the order of business, motions, and resolutions, the President announced the question to be upon the adoption of the concurrent resolution proposing an amendment to the Constitution relative to State prisons.

*Resolved* (if the Assembly concur), That the following amendment to the Constitution be proposed for the adoption to the people of the State, to wit:

1. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies in the office of manager thus or otherwise occurring shall be filled in like manner.

2. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to county jails and other penal and reformatory institutions in this State as the Legislature may prescribe.

3. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the Legislature or the board may prescribe, and shall receive a salary to be determined by law.

4. The members of the board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duty.

5. The board shall appoint the warden (or chief officer), physician, chaplain and clerk or financial officer of each State prison, and shall have power to remove them for cause, after an opportunity to be heard on written charges. All other officers of each prison shall be appointed by the warden thereof, and be removable at his pleasure.

6. The Governor may remove either of the managers for misconduct, incompetency or neglect of duty, after the opportunity to be heard on written charges.

7. The amendment shall go into effect on the first Monday of January after its adoption by the people, from and after which date section 4 of article 5 of the Constitution shall be null and void.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

The President put the question whether the Senate would agree to the final passage of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Murphy	Wagner
Allen	Foster	Lord	O'Brien	Weismann
Baker	Graham	Lowery	Perry	Winslow
Benedict	Harrower	McGowan	Robertson	D. P. Wood
Bowen	Johnson	Madden	Tiemann	Woodin
Chatfield				

26

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an



act entitled 'An act requiring the district attorney of the county of Troy to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict, from the committee on literature to which was referred the bill entitled "An act to organize a board of school commissioners in and for the city of Troy," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry moved to reconsider the vote by which the Assembly passed the act entitled "An act to repeal chapter 737 of the Laws of 1871, entitled an act to provide for the election of an auditor for the county of Kings County, and prescribing his powers and duties," was passed.

The President put the question whether the Senate would agree to said motion to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	O'Brien	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Murphy	Tiemann	Woodin
Bowen	Harrower			

Mr. Perry moved to reconsider the vote by which the Assembly passed the act entitled "An act to repeal chapter 115 of the Laws of 1871, and to provide for proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county," was passed.

The President put the question whether the Senate would agree to said motion to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	O'Brien	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	D. P. Wood
Benedict	Harrower	Murphy	Tiemann	Woodin
Bowen	Lewis			

Mr. Chatfield moved that the following resolutions be made the special order for Friday next, immediately after the reading of the Journal.

*Resolved*, That the report of the select committee appointed to investigate the charges against Senator James Wood be accepted and the committee discharged from the further consideration of the subject.

*Resolved*, That the Hon. James Wood, Senator from the Thirtieth District, be and hereby is expelled from his seat in the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lewis, on behalf of Mr. J. Wood, presented the written argument of Hon. Henry R. Selden, as his defense, against the charges made against him, and moved that the same be printed and placed upon the files of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of one o'clock having arrived, the President announced the executive session, and after some time spent therein, the doors were opened, and the Senate resumed the consideration of legislative business.

Mr. Lord moved to take from the table the resolutions heretofore offered by him relative to the President of the United States.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bowen	Cock	Johnson	Lowery	Tiemann	
Chatfield	Harrower	Lord	Murphy	Woodin	10

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Perry-	Weismann	
Allen	Foster	Madden	Robertson	Winslow	
Baker	Lewis	O'Brien	Wagner	D. P. Wood	
Benedict					16

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act in relation to the highway from the town of Northville to Lake Pleasant, in the county of Hamilton."

"An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York, and to repeal chapter 572 of the Laws of 1871, entitled 'An act to amend an act entitled An act in relation to elections in the city and county of New York.'"

"An act to amend section 2 of chapter 9 of Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872."

After some time spent therein the President resumed the chair, and Mr. Chatfield, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Chatfield, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Chatfield, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the concurrent resolution recalling Senate bill No. 157, amending the act incorporating the New England Society, from the Governor, with a message that they had concurred in the passage of the same.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The Assembly returned the bills entitled as follows :

"An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida.'"

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839; passed April 11, 1870."

*Ordered,* That the Clerk deliver said bills to the Governor.

On motion of Mr. Cock, the Senate adjourned.

THURSDAY, APRIL 4, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Winslow, from the select committee of nine, reported complete bills entitled as follows :

"An act to incorporate the St. Lawrence Bridge Company." [With amendments.]

"An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to military exemptions.'"

"An act to clear and regulate the court-house property of the county of Kings."

Assembly, "An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn."

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Rackett and of the hydraulic power thereon and to check freshets thereof,' passed April 2, 1869."

"An act to authorize the water commissioners of the city of Westtown to borrow money for the construction of a reservoir, and for other purposes."

"An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north boundary of this State."

"An act to amend the charter of the village of Perry, county of Wyoming."

Assembly, "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868."

"An act to legalize the acts of David B. Barnum, as notary public."

"An act in relation to the Brooklyn Club."

Assembly, "An act authorizing and directing the surrogate of the county of Cattaraugus, to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Daniel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman."

Assembly, "An act to provide for fair grounds in the county of Livingston."

Assembly, "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1868."

Assembly, "An act to prevent frauds in the sale of patent rights."

"An act to provide for a vote of the inhabitants of the towns of Falls, Manheim and Danube, in the county of Herkimer, upon the completion of the bridge over the Mohawk river at Falls Basin, in the county of Herkimer, and to provide for the payment of indebtedness incurred by the commissioners of said towns on account of said bridge." [With amendments.]

act to incorporate the Washington Park Association." [With amendments.]

act to legalize and confirm the official acts of David B. Phillips, city of Brooklyn, county of Kings, and State of New York, as public.

act to authorize the United States Contracting Company to change name."

act to repeal an act entitled 'An act for the appointment of an interpreter in the police justice and justices courts of the city of Brook-

assembly, "An act in relation to a board of health for the town and county of Saratoga Springs, Saratoga county."

act to repeal an act entitled 'An act to incorporate the Grand Laundry of the State of New York, passed April 28, 1871."

act conferring additional power upon the trustees of the village of Tavaia." [With amendments.]

act in relation to the First Baptist Church and Society in Ogdensburg." [With amendments.]

assembly, "An act to incorporate the Society of St. Vincent de Paul, city of New York."

act to amend the charter of the Young Men's Christian Association of New York." [With amendments.]

assembly, "An act to repeal so much of chapter 640, Laws of 1870, relating to non-resident lands in the county of Franklin." [With amendments.]

assembly, "An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867." [With amendments.]

assembly, "An act to incorporate the South Worcester Cemetery Association."

assembly, "An act to incorporate the Soldiers' Monument Society of Warren County."

assembly, "An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871."

assembly, "An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof."

assembly, "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

Ordered, That said bills be engrossed for a third reading.

Mr. McGowan presented a petition of citizens of Little Falls in favor of the bill for a vote of the towns of Manheim, Danube and Little Falls on the Finck's Bridge question; which was read and committed to the committee of the whole.

Mr. Tiemann presented a petition of citizens against creating a city of New York; which was read and referred to the committee on the affairs of the city.

Mr. Murphy presented a remonstrance against the Assembly bill to

amend act of May 11, 1869, entitled "An act to lay out and improve a public highway or avenue from Prospect Park toward Coney Island, in Kings county; which was read and referred to the committee on the affairs of cities.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Mutual Trust Institution of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog, and other low and wet lands in the village of White Plains and adjacent thereto,' passed May 2, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway," reported adversely thereto, which report was agreed to.

Mr. Winslow moved to reconsider the vote agreeing to the report.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow moved that the bill be recommitted to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the improvement of a portion of the Coney Island plank-road as recently widened," reported adversely thereto, which report was agreed to.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for supplying the village of Whitestone, in the county of Queens, with pure and wholesome water," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act supplementary to, and amendatory of, an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the bill entitled "An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 662 of the Laws of 1870, passed May 5, 1870, entitled 'An act to repeal an act entitled "An act to provide for the publication of legal notices in the county of Hamilton," passed April 19, 1866; also, an act amending the same,' passed March 26, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred

the bill entitled "An act to amend chapter 37 of the Laws of 1848, entitled 'An act to authorize the formation of gas-light companies,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to George Buerckel and Magdalena Stell; the brother and sister of Henry Buerckel, deceased, all the right, title, and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Cocksackie, in the county of Greene, died seized, and authorizing his heirs at law to hold and convey the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled 'An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' " passed April 3, 1849; passed February 2, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Allen, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871."

"An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the commonwealth of Pennsylvania, to hold real estate for the purposes of its business."

"An act to amend the act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848."

"An act increasing the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany."

"An act to define the jail limits of the county of Jefferson."

"An act confirming certain proceedings of the common council of the city of Buffalo, and authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago."

"An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870."



"An act to authorize the surrogates' courts in all the counties of this State to appoint auditors."

"An act relating to lands in the city of New York, devised by Francis Wiener, deceased."

"An act in relation to the highway from the town of Northville to lake Pleasant, in the county of Hamilton."

"An act to amend an act entitled 'An act for the support and relief of the poor, and for the government of the poor department in the county of Erie.'"

"An act to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railroad companies."

Also, as correctly re-engrossed the bill entitled as follows:

"An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town."

Mr. Madden moved to take from the table the question of agreeing to the report of the committee on railroads adverse to the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter — of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter — of the Laws of 1869."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved to agree to the report of the committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Harrower	Lowery	Tiemann	Winslow
Allen	Johnson	Madden	Wagner	J. Wood
Foster	Lord			

12

#### FOR THE NEGATIVE.

Baker	Chatfield	Lewis	Murphy	Weismann
Benedict	Cock	McGowan	Perry	D. P. Wood
Bowen	Graham			

12

When the name of Mr. Woodin was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Madden moved that the report of the committee be laid upon the table

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood presented the fifth annual report of the Board of State Commissioners of Public Charities; which was laid on the table and ordered printed.

(See Doc. No. .)

Mr. D. P. Wood offered the following:

*Resolved*, That there be printed of the fifth annual report of the Board of State Commissioners of Public Charities one thousand and five hundred copies in paper covers, and five hundred copies on fine paper, bound in muslin, for the use of the board.

*Ordered*, That said resolution be referred to the committee on public printing.

A message from the Assembly was received and read as follows :

IN ASSEMBLY, April 2, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3, of chapter 817, of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township number 14 in the town of Johnsburgh, to the Carthage road near the head of Long lake, in the county of Hamilton.

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. I. D. Brown, and by unanimous consent, the same was amended as follows :

"An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3, of chapter 817, of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township number 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section 1, of chapter 817, of the Laws of 1866, is hereby amended so as to read as follows :

Henry Crandal, George Levitt and Benjamin Butler of the county of Warren are hereby appointed commissioners whose duty it shall be to lay out and construct a wagon road from the Hudson river road, near Roblee's hotel, in the town of Johnsburgh, up through the town of Indian lake, by the most eligible route, to the Carthage road, near the head of Long lake, in the county of Hamilton.

§ 2. Section 3 of said act is hereby amended so as to read as follows :

§ 3. The non-resident highway tax of townships six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-three, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, forty and forty-one of Totten and Crossfield's purchase, in the counties of Essex, Hamilton and Warren, is hereby appropriated for the purposes of this act, and the Comptroller shall retain in his hands, and pay over to the commissioners appointed by this act, all such non-resident highway taxes as may now have been assessed upon the townships above herein named, which may not have been paid over to the treasurer of the counties wherein the said lands are situated; and the said Comptroller shall pay over to the commissioners herein named, or to their order, annually, all such non-resident taxes as may be assessed upon said lands until the year one thousand eight hundred and seventy-three.

§ 3. The foregoing act is hereby so amended that the same shall be extended and remain and continue in force for the term of six years from January first, one thousand eight hundred and seventy-three.

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
Benedict

Bowen  
Dickinson  
Foster  
Graham

Harrover  
Lord  
Lowery  
McGowan

O'Brien  
Tiemann  
Wagner  
Winslow

D. P. Wood  
J. Wood  
Woodin

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Weismann
Allen	Chatfield	Harrower	Perry	D. P. Wood
Baker	Dickinson	Johnson	Tiemann	J. Wood
Benedict	Foster	Lowery	Wagner	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of said bill.

The Senate then resolved itself into a committee of the whole, proceeded to the consideration of the special order, being the bill entitled as follows :

"An act to regulate railroad freight in the State of New York."

After some time spent therein, the President resumed the chair, Mr. Lord, from said committee, reported that they had struck out the enacting clause thereof, and had instructed the chairman to report the fact to the Senate.

Mr. D. P. Wood moved to disagree with the report of the committee and that the enacting clause be restored, and the bill ordered engrossed for a third reading.

Mr. Woodin called for a division of the question.

The President put the question whether the Senate would agree to the motion of Mr. D. P. Wood to disagree with the report of the committee and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	McGowan	D. P. Wood
Allen	Johnson	Lowery	Tiemann	Woodin
Bowen	Lewis			

## FOR THE NEGATIVE.

Baker	Foster	Murphy	Wagner	Winslow
Chatfield	Harrower	O'Brien	Weismann	J. Wood
Cock	Madden	Perry		

Mr. Woodin moved to recommit said bill to the committee on railroads, with instructions to restore the enacting clause, and add the following amendment :

"Nothing in this act contained shall prevent the railroads of this State from entering into arrangements with any railroad company or company of any other State for pro rating for freights shipped from points within of this State."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Tiemann	D. P. Wood
Allen	Johnson	McGowan	Weismann	Woodin
Bowen	Lord			

## FOR THE NEGATIVE.

Baker	Foster	Madden	Perry	Winslow
Chatfield	Harrower	Murphy	Wagner	J. Wood
Cock	Lewis	O'Brien		

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Cock	Lewis	O'Brien	Weismann	
Foster	Madden	Perry	Winslow	
Harrower	Murphy	Wagner	J. Weed	15

FOR THE NEGATIVE.

Dickinson	Lord	McGowan	D. P. Wood	
Johnson	Lowery	Tiemann	Woodin	10

The Assembly returned the resolution relative to printing the Clerk's report, with a message that they had non-concurred in the report of the Finance committee thereon.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

An act to incorporate the Citizens' Plate Glass Insurance Company."

An act to regulate a ferry between the cities of New York and Brook-

An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same."

An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor."

An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds of that company therefor."

Resolved, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the town house and jail in said town."

Resolved, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the Brooklyn Improvement Company to issue preferred and special stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to provide for the improvement of part of the street in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act for the payment of Robert G. Stewart, Alex-

ander Stewart, Seth Clark, and William H. Greene for dredging of the Erie basin at Buffalo in the year 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as the same relates to the village of Akron, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Chatfield, the Senate took a recess until half past seven o'clock, P. M.

### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills enumerated as follows:

"An act to incorporate the Manhattan Loan and Trust Company of the city of New York."

"An act to provide for the construction and improvement of the canal from Piseco lake to Claffin's tannery, in the county of Hamilton."

Assembly, "An act for the erection of an iron bridge over the canal at West Troy, in the county of Albany."

After some time spent therein, the President resumed the chair. Mr. Tiemann, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Tiemann, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Tiemann, and by unanimous consent, the Assembly passed a bill entitled "An act relative to the laying out and opening of Madison avenue north of 120th street, in the city of New York," which was ordered to be considered in the first committee of the whole.

On motion of Mr. Lord, and by unanimous consent, the bill entitled "An act relating to lands devised by David Stanley, deceased," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills enumerated as follows:

"An act relating to lands devised by David Stanley, deceased."

Assembly, "An act relative to the laying out and opening of Madison avenue north of 120th street, in the city of New York."

Assembly, "An act to authorize the rebuilding and repairing of city wharves and piers in the city of Brooklyn."

After some time spent therein the President resumed the chair. Mr. Madden, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Madden, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills were read to a third reading.

O'Brien moved that the bill entitled "An act to incorporate the New York Warehouse and Railway Company," and to provide improved streets and warehouses in the city of New York; and also adequate facilities for the transportation of freight and passengers within the city of New York and county of Westchester," be made a special order for the next day next, at 12 o'clock noon.

President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

Johnson moved to reconsider the vote agreeing to the report of the committee of the whole upon the bill entitled "An act to regulate freights in the State of New York."

President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Johnson	Lowery	O'Brien	D. P. Wood	
Lord	McGowan	Tiemann	Woodin	11

**FOR THE NEGATIVE.**

Chatfield	Foster	Lewis	Perry	
Cock	Harrower	Madden	Weismann	11

President voting in the affirmative.

Woodin moved that the bill be recommitted to the committee of the whole.

President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Dickinson	Lewis	McGowan	D. P. Wood	
Graham	Lord	O'Brien	Woodin	14
Johnson	Lowery	Tiemann		

**FOR THE NEGATIVE.**

Cock	Harrower	Perry	Weismann	8
Foster	Madden			

Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend the charter of the New York Bond Deposit Company of the city of New York."

"An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of erecting a free academy."

"An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof."

After some time spent therein, the President resumed the chair, and Foster, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills were engrossed for a third reading.



Mr. Foster, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, proceeded to the consideration of general orders, being the Assent bills entitled as follows:

"An act to incorporate the Ulster General Hospital."

"An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire."

"An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866."

After some time spent therein, the President resumed the chair, Mr. Perry, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Perry, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Perry, from the same committee, reported progress on the third named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners of the Board of Public Works for grading Fourth avenue, in said town."

"An act to amend an act entitled 'An act to incorporate the Sisters of Grey Nuns in the State of New York,' passed April 6, A. D. 1871."

"Concurrent resolution, from the Assembly, proposing an amendment to the Constitution relative to pay of members of the Legislature."

After some time spent therein the President resumed the chair, Mr. Johnson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of said named resolution, and recommended the passage of the same.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Murphy	Weismann
Baker	Dickinson	Lewis	O'Brien	Winslow
Bowen	Foster	Lowery	Perry	D. P. Wood
Chatfield	Graham	McGowan	Tiemann	Woodin

FOR THE NEGATIVE.

Johnson	Madden
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By unanimous consent, Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a rail track on the tow path of the Chenango canal extension on the south side of the Susquehanna river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



an appropriation to rebuild the locks on Crooked Lake canal ; which was read and referred to the committee on canals.

Mr. Perry presented a petition of physicians for increase of salary of head of health department of Brooklyn ; which was read and referred to the committee on public health.

Mr. Perry presented two petitions for extension of horse railroad to Brooklyn ; which were read and referred to the committee on railroads.

Mr. Perry presented eight petitions for completion of sewers in two second ward Brooklyn ; which were read and referred to the committee on the affairs of cities.

Mr. Perry presented two remonstrances against Assembly bill No. 100 in relation to Park way in Kings county ; which were read and referred to the committee on the affairs of cities.

Mr. Tiemann presented a remonstrance against widening Nassau street in New York ; which was read and referred to the committee on the affairs of cities.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to confirm the assessment for the expense of paving Broad street, in the city of Utica," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act authorizing the erection of a bridge over the Erie canal in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to Fordham and Pelham avenues in the towns of West Farms and Westchester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to enable the city of New York to consolidate certain railroads, and provide for rapid transit in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the Nyack Waterworks Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Wagner asked and obtained leave to i

a bill entitled "An act to amend chapter 907 of the Laws of 1869, chapter 925 of the Laws of 1871 relating to the bonding of municipalities to aid in the construction of railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to empower the mayor, aldermen, and commonalty of the city of New York to manufacture and supply gas for the illumination of the streets, public parks, places and buildings; and also individual residents of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Adams, from the committee on banks, to which was referred the assembly bill entitled "An act to incorporate the Riverhead Savings Bank," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the assembly bill entitled "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second, third, fourth, and other wards of said city," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the assembly bill entitled "An act making appropriations for the payment of the principal and interest on the canal debt commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the assembly bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solville, in the county of Madison," reported adversely thereto; which report was agreed to.

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the

Mr. Lewis, from the committee on canals, to which was referred the assembly bill entitled "An act to amend the act (chapter 778 of the Laws of 1871), appropriating certain moneys for the construction of new work upon, and extraordinary repairs of, the canals of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as follows: That he has engrossed the bills entitled as follows:

"An act to clear and regulate the court-house property of the county of Albany."

"An act to authorize the water commissioners of the city of Watertown to borrow money for the construction of a reservoir, and for other purposes."

"An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of the State."

"An act to amend the charter of the Young Men's Christian Association of the city of New York."

"An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to military exemptions.'"

"An act to legalize the acts of David B. Barnum as notary public."

"An act in relation to the Brooklyn Club."

"An act to legalize and confirm the official acts of David B. Phillips of the city of Brooklyn, county of Kings, and State of New York as notary public."

"An act to authorize the United States Contracting Company to change its name."

"An act to repeal an act entitled 'An act for the appointment of an interpreter in the police justice and justices' courts of the city of Brooklyn,' passed May 3, 1870."

"An act to repeal an act entitled 'An act to incorporate the Grand Commandery of the State of New York,' passed April 28, 1871."

"An act in relation to the First Baptist Church and Society in Ogdensburg."

"An act to provide for the construction and improvement of the road from Piseco lake to Claffin's tannery, in the county of Hamilton."

"An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue, in said town."

"An act to amend an act entitled 'An act to incorporate the Sisters of Grey Nuns in the State of New York,' passed April 6, A. D. 1871."

"An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the county of Kings, and to repeal chapter 572 of the Laws of 1871, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

"An act to incorporate the Washington Park Association."

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets thereon,' passed April 2, 1869."

"An act to incorporate the St. Lawrence Bridge Company."

"An act to provide for a vote of the inhabitants of the towns of Little Falls, Manheim and Danube, in the county of Herkimer, upon the question of the completion of the bridge over the Mohawk river at Fish Basin, in the county of Herkimer, and to provide for the payment of the indebtedness incurred by the commissioners of said towns, appointed under chapter 903 of the Laws of 1869, on account of said bridge."

"An act to incorporate the Manhattan Loan and Trust Company of the city of New York."

Mr. Madden moved that when the Senate adjourn to-day, it adjourn until half past seven o'clock this evening.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Madden moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the said motion to take a recess, and it was decided in the negative.

The Assembly returned the bill entitled "An act to amend an

and 'An act to establish a department of police in the city of Buffalo, to provide for the government of the same,' passed April 26, 1871," with a message that they had concurred in the passage of the same, with the following amendments:

Section 2, line 6, engrossed bill, after the word "police," insert the words "one of whom he shall designate as acting commissioner, and the same as treasurer of the board of police."

Section 7, line 4, insert the word "acting" before the word "commissioner."

Section 8, line 5, strike out the words "who shall not be treasurer," and in the same section, after the word "act," in line 6, strike out all down to and including the word "board," in line 10.

Section 8, line 5, strike out the word "keep," and in line 7, after the word "fund" insert the words "with the city treasurer."

Section 9, after the word "moneys," in line 8, strike out all down to and including the word "fund" in line 11.

Section 10, lines 18 and 19, strike out all after the word "payments" and to and including the word "banks," in line 19.

Section 11, lines 28 and 29, strike out the words "one hundred and."

Section 12, lines 37 and 38, strike out the words "in such banks as the board shall direct," and insert in lieu thereof the words "with the city treasurer."

Section 11, strike out all after the word "follows," in line 2, down to and including the word "duty," in line 16, and insert in lieu thereof the following:

§ 38. Each commissioner of police (except the mayor, who shall receive as such commissioner an annual salary of five hundred dollars,) shall receive an annual salary of two thousand dollars, the superintendent of police shall receive an annual salary of twenty-five hundred dollars, the clerk of police shall receive an annual salary of fifteen hundred dollars; each captain of the police shall receive an annual salary of one hundred dollars; each sergeant of police shall receive an annual salary of one thousand dollars; each doorman shall receive an annual salary of eight hundred dollars and each patrolman of the police shall receive an annual salary of nine hundred dollars, with the additional compensation hereinbefore provided when detailed to do detective duty."

Mr. Lewis moved to non-concur in the amendments of the Assembly, and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The President announced the following as such committee: Messrs. Messrs. Bowen and Cook.

Resolved, That the Clerk return said bill to the Assembly, with a message that the Senate have appointed a committee of conference thereon, and request a like committee on the part of the Assembly.

The Assembly returned the bill entitled "An act to authorize the formation, establishing and maintaining of driving park or park association," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed as such committee, on behalf of the Assembly, Messrs. Yeomans, Hungerford, Eastman, Abbott and Couchman.

Mr. McGowan moved that a committee of conference be appointed on the part of the Senate.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the following as such committee: Messrs. McGowan, Lowery and Lord,

*Ordered*, That the Clerk return said bill to the Assembly, with a message that the Senate have appointed a committee of conference thereon.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows:

"An act in relation to the incorporation of the village of Whitney's Point."

"An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire."

Assembly, "An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn,' passed April 6, 1871." [With amendments.]

Assembly, "An act for the relief of the heirs of Daniel Earley, deceased, late of the city of New York."

Assembly, "An act to limit the amount of money to be paid to the Hornell Library Association to five hundred dollars, and to amend chapter 549 of the Laws of 1869."

Assembly, "An act to authorize the board of education of school district number ten, in the town of Warsaw, to erect a school building, and provide means for payment thereof."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The Assembly returned the bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,' with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed as such committee, on behalf of the Assembly, Messrs. Husted, I. D. Brown, Vedder, Strahan and Mosely.

Mr. D. P. Wood moved to non-concur in the amendments of the Assembly, and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read as follows:

IN ASSEMBLY, April 3, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Preston, and by unanimous consent, the same was amended as follows:

Section 1, line 32, printed bill, strike out the word "be," and insert in lieu thereof the word "are."

Section 1, strike out lines 51 and 52, and insert in lieu thereof the

words "all savings banks in the county of Chautauqua are hereby authorized to invest not exceeding ten per centum of their respective assets in the bonds issued by said board of water commissioners."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann	
Allen	Dickinson	Lord	Perry	Winslow	
Baker	Foster	Lowery	Robertson	D. P. Wood	
Bowen	Harrower	McGowan	Tiemann	Woodin	20

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Tiemann	
Allen	Dickinson	Lord	O'Brien	Weismann	
Baker	Foster	Lowery	Perry	D. P. Wood	
Bowen	Harrower	McGowan	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The President presented the report of the Commissioners of the Land Office in relation to the Oneida tribe of Indians in response to a resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 75.)

Mr. Bowen moved that when the Senate adjourn to-day it adjourn to meet on Monday evening at half past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lord	McGowan	Perry	
Bowen	Johnson	Lowery			8

FOR THE NEGATIVE.

Adams	Foster	Madden	Tiemann	D. P. Wood	
Baker	Harrower	Palmer	Weismann	Woodin	
Dickinson	Lewis	Robertson	Winslow		14

When the name of Mr. Winslow was called, he asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Winslow subsequently voted in the negative.

Mr. D. P. Wood moved that leave of absence be granted Mr. Allen until Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

## SATURDAY, APRIL 6, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Woodin presented a petition of trustees of Cayuga Lake Academy for an increase of the Literary Fund; which was read and referred to the committee on literature.

Mr. Robertson presented a remonstrance of citizens of Yonkers against the incorporation of the city of Yonkers; which was read and referred to the committee on the affairs of cities.

Mr. Lewis presented a petition of citizens of Erie county for the enlargement of Akron village; which was read and referred to the committee on the affairs of villages.

The Assembly sent for concurrence the bill entitled as follows:

"An act to confirm the official acts of the trustees of the village of Yonkers," which was read the first time, and by unanimous consent read the second time.

On motion of Mr. Johnson, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Weismann
Walker	Dickinson	Lewis	Perry	Winslow
Benedict	Foster	Lord	Robertson	D. P. Woodin
Bowen	Harrower	Lowery	Tiemann	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen, from the committee on claims, to which was referred an assembly bill entitled "An act for the relief of the town of Perrine, in the county of Monroe," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to regulate public processions through the cities of the State," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, and amended January 12, 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the defense of sheriffs," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the American Land and Navigation Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Oswego and Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn, passed May 8, 1858," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across a lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1858, to Horace C. Tracy and Isaac A. Brokau for the term of fourteen years from the fifth day of April, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of the government," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

D. P. Wood moved that the report be made a special order for the next day morning next, immediately after the reading of the journal. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Adams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Safe Deposit and Trust Company of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Winslow, from the select committee of nine, reported the following bills complete:

1. "An act to amend an act entitled 'An act to incorporate the Union Free School and Industrial Female School of Lockport,' passed February 19, 1866."

2. "An act to amend 'An act to enable Ezra Cornell to found a library and literary institution in the village of Ithaca, and to incorporate the same,' passed April 5, 1864."

3. "An act to change and fix the number of trustees of the Union Free School and Academy."

4. "An act for the relief of the inhabitants of Union School District No. 1, in the town of Moreau, in the county of Saratoga."

5. "An act to amend an act entitled 'An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received

by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857."

"An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867." [With amendments.]

"An act to organize a board of school commissioners in and for the city of Troy."

Assembly, "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway."

"An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto,' passed May 2, 1871."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sandford street from Myrtle avenue to Flushing avenue," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from the comptroller of the city of New York, relative to sums of money paid by the city of New York for and on account of the erection of a market in the eighteenth ward of the city of New York, in response to resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 77.)

The Assembly returned the bill entitled "An act to provide for the appointment of the overseer of the poor of the city of Utica," with a message that they had non-concurred in the passage of the same.

A message from the Assembly was received informing that they had passed, notwithstanding the objections of the Governor, the Assembly bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled the police department, passed March 16, 1870."

The communication from the Governor to the Assembly having been read,

The President put the question "Shall this bill pass notwithstanding the objection of the Governor?" and it was decided in the affirmative, two-thirds of all the Senators present and voting, voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Robertson	D. P. Wood
Baker	Foster	Palmer	Weismann	J. Wood
Benedict	Harrower	Perry	Winslow	Woodin
Bowen	Lowery			

17

FOR THE NEGATIVE.

Cock	Lewis	Lord	Tiemann
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the concurrent resolution relative to the appointment of three officers in the service of the United States, to examine and revise the exterior pier and bulk-head lines of the harbor of New York, on the Long Island side, with a message that they had concurred in the passage of the same.

Mr. Woodin, from the committee appointed to draft appropriate resolutions of respect for the memory of Professor S. F. B. Morse, reports the following:

*Resolved*, That the Senate have heard with profound regret of the death of Samuel F. B. Morse, whose achievement of science, in rendering the electric telegraph of practical usefulness, has constituted him one of the greatest benefactors of the human race.

*Resolved*, That we remember with pride, that while a citizen of this State, his thought conceived and his skill formed that art which has thus marked a new era in the progress of civilization.

*Resolved*, That these resolutions be entered upon the journal of the Senate, and a copy thereof, duly certified, be transmitted to the family of the deceased.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend chapter 165 of the Laws of 1869, an act entitled 'An act to authorize the selection and location of certain ground for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869, and also to authorize the city of Buffalo to issue bonds for laying out, improving and embellishing the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Winslow asked and obtained leave to introduce a bill entitled "An act relating to executions issued by justices of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Dickinson moved that the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866," be recommitted to the committee on the affairs of villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson offered the following:

*Whereas*, There exists in the waters between Staten Island and New Jersey certain obstructions to navigation, which make the same dangerous, and affect commerce passing through those waters; therefore,

*Resolved* (if the Assembly concur), That the Senators and Representatives in Congress from the State of New York, be and are hereby requested to procure, if possible, such appropriation, by Congress, as may be necessary to improve the navigation of said waters, and especially to remove any obstructions that may exist in the channel at the point known as the corner stake and Shooters Island.

*Resolved* (if the Assembly concur), That the Governor be requested to



transmit a copy of the foregoing preamble and resolution to each of the Senators and Representatives from this State in Congress.

*Ordered*, That said resolutions be laid on the table.

Mr. Palmer offered the following :

*Resolved* (if the Assembly concur), That the posts of the Grand Army of the Republic of the city of Albany be allowed the use of regimental flags of Albany regiments from the military bureau on the 30th day of May, 1872, annual decoration day.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer offered the following :

*Resolved*, That one thousand copies of the report of the Managers of the Hudson River State Hospital for the Insane be printed with paper covers ; five hundred for the use of the Legislature and five hundred for the use of the Managers.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Lord moved that the Assembly bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Lord	Tiemann	J. Wood	
Bowen	Harrower	Lowery	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Bowen moved that when the Senate adjourn to-day it adjourn to meet on Tuesday morning at eleven o'clock.

Mr. D. P. Wood moved to amend by substituting the words "Monday evening at half past seven o'clock."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Foster	Palmer	Tiemann	J. Wood	
Baker	Harrower	Perry	Weismann	Woodin	
Benedict	Lowery	Robertson	D. P. Wood		14

#### FOR THE NEGATIVE.

Bowen	Dickinson	Johnson	Lewis	Winslow	
Cock					6

The President then put the question whether the Senate would agree to said motion, as amended, and it was decided in the affirmative.

On motion of Mr. Tiemann, the Senate adjourned.

## MONDAY, APRIL 8, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of Saturday was read and approved.

Mr. Robertson presented a remonstrance of citizens of Yonkers against the incorporation of the city of Yonkers; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to appropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of \$41,000, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the Orient Wharf Company,' passed June 28, 1851, passed March 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to the compensation of judicial officers in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to referees in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Benedict, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867."

"An act to amend an act entitled 'An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857."

"An act to organize a board of school commissioners in and for the city of Troy."

"An act to amend an act entitled 'An act to provide for the drainage

of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto,' passed May 2, 1871."

"An act to amend the charter of the New York Bond Deposit Company of the city of New York."

"An act relating to lands devised by David Stanley, deceased."

"An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire."

"An act in relation to the incorporation of the village of Whitney's Point."

Mr. Tiemann offered the following:

*Whereas*, The hundred days for which members of the Legislature are entitled by the Constitution to receive compensation for their services will expire on Wednesday, the tenth day of April instant, and it is expected that the Legislature will adjourn at an early day thereafter; and,

*Whereas*, No act making provision for the government of the city of New York has yet been passed; and,

*Whereas*, Serious doubts are entertained whether the differences existing between the two Houses of the Legislature on the bill now pending can be reconciled; and,

*Whereas*, It is feared that the bill will be lost on account of the disagreement between the two Houses, or if they should agree and pass the bill, that it will not be approved and signed by the Governor, and that the Legislature may adjourn without enacting a charter for the city of New York; and,

*Whereas*, It is of the utmost importance that some legislation should be had at this session of the Legislature for the purpose of improving the existing government of the city of New York; therefore,

*Resolved*, That the committee on the affairs of cities be, and is hereby instructed to examine the charter passed April 26, 1870, and the amendments thereto passed April 18, 1871, and propose such amendments thereto as will relieve it of the obnoxious features and provisions it now contains, provide for an early election of the mayor and other officers to be elected by the people, and such other amendments as the exigencies of the times and the public sentiment of the city of New York seem to demand, and report such amendments by bill on or before the thirteenth day of April next.

Mr. Tiemann moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lewis moved that the Assembly bill entitled "An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the Metropolitan Police district,' passed June 22, 1867, and all acts amendatory thereof," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis offered the following:

*Resolved* (if the Assembly concur), That the commissioners appointed in chapter 868 of the Laws of 1871 to examine and practically test all inventions and devices, which may be submitted to them for that purpose, by which steam, caloric, electricity, or any motor other than animal power may be practically and profitably applied in the propulsion

or towage of boats upon the canals, are hereby required to examine and test the plans for propelling and towing boats by means of a submerged cable and clip drum, commonly known as the European or Belgian system; and if, in the judgment of said commissioners or a majority of them, the said system is superior to any other invention or device which shall have been submitted to them for the towage or propulsion of boats upon the canals, they are hereby required to certify that fact to the Legislature at the next session thereof.

*Ordered*, That said resolution be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870."

Assembly, "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office."

After some time spent therein the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to prevent the flooding of lands by reason of the construction of the State dam across the Tonawanda creek, at the village of Tonawanda,' passed June 5, 1871."

"An act to amend chapter 310 of the Laws of 1864, being an act to incorporate the Farmers' Protective Union."

Assembly, "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. McGowan, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the mounted batteries of artillery of the national guard."

Assembly, "An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county."

Assembly, "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864."

After some time spent therein the President resumed the chair. Mr. Lewis, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lewis, from the same committee, reported progress on the third named bill, and asked leave to sit again.

Mr. Robertson moved that said bill be recommitted to the committee on the affairs of villages, with power to report complete.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the first named bill, entitled as follows :

"An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn,' passed April 19, 1871."

"An act to enable the Astoria and Hunter's Point Railroad Company to extend their road."

"An act authorizing the removal of the remains of all persons interred in Monroe street cemetery in the city of Rochester to Mount Hope and other cemeteries in the city, and the taking of the lands included within the bounds of said Monroe street cemetery by the city of Rochester for public school and park purposes; also the issue of bonds by said city to defray the expense thereof."

After some time spent therein, the President resumed the chair. Mr. Tiemann, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Tiemann, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. J. Wood moved that the Assembly bill entitled "An act to prevent frauds in the sale of patent rights," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same."

"An act to incorporate the Nassau Bridge Company for the purpose of constructing and maintaining a bridge over the East river, between the counties of New York and Queens."

"An act to amend chapter 55 of the Laws of 1870, entitled 'An act

h the contracting board and the system of repairing the canals by act."

er some time spent therein, the President resumed the chair, and Perry, from said committee, reported in favor of the passage of the named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Perry, from the same committee, reported progress on the two named bills, and asked and obtained leave to sit again.

Foster, from the committee on railroads, to which was referred the bill entitled "An act to facilitate the construction of Lake Ontario Shore road, and to amend the several acts in relation thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

1. An act to consolidate the city and county of New York, and to provide regulations for the government thereof."

2. An act to authorize the common council of the city of Binghamton to incur a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton railroad."

3. An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon."

er some time spent therein the President resumed the chair, and Cock, from said committee, reported in favor of the passage of the named bill, which report was agreed to, and said bill ordered passed for a third reading.

Cock, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and said bills ordered engrossed for a third reading.

Lowery moved that the Senate do now adjourn

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

1. An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May 2, 1863, and the acts amendatory thereof."

2. An act to legalize payments made by the Comptroller to justices of the supreme court in the second judicial district, and to authorize further payments by said Comptroller to said justices."

3. An act to authorize the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to justices of the supreme court."

er some time spent therein, the President resumed the chair, and Foster, from said committee, reported in favor of the passage of the first named bills, which report was agreed to, and said bills ordered passed for a third reading.

Mr. Foster, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Perry, the Senate adjourned.



## TUESDAY, APRIL 9, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Sprecher.

The journal of yesterday was read and approved.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows :

"An act supplementary to, and amendatory of, an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872." [With amendments.]

"An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same." [With amendments.]

"An act to amend chapter 662 of the Laws of 1870, passed May 5, 1870, entitled 'An act to repeal "An act to provide for the publication of legal notices in the county of Hamilton," passed April 19, 1866, also, 'An act amending the same, passed March 26, 1867.'"

"An act to extend Monhagen avenue in the town of Wallkill, Orange county." [With amendments.]

Assembly, "An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city."

"An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same."

Assembly, "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1844, and extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac A. Brokaw for the term of fourteen years from the 5th day of April, 1858."

Assembly, "An act for the relief of the devisees and heirs at law of Louis Planer and Josephine Planer, deceased.

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Pursuant to the ninth joint rule, the Senate proceeded to the order of business, third reading of bills.

The bill entitled "An act to amend section 10, of chapter 739, of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, majority of all the members elected to the Senate voting in favor hereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Bowen	Foster	Lord	Robertson	Winslow
Chatfield	Harrower	Lewery	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Harrower	Robertson	Weismann
Cock	Lewis	Tiemann	Winslow
Dickinson	Madden	Wagner	Woodin
Foster	Perry		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Foster	Lowery	Perry	Weismann
Harrower	McGowan	Robertson	Winslow
Lewis	Madden	Wagner	Woodin
Lord			

17

FOR THE NEGATIVE.

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to authorize the Blossburg Coal Company, successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to hold real estate for the purposes of its business," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Lord	Perry	Weismann
Foster	Lowery	Robertson	Winslow
Harrower	McGowan	Tiemann	Woodin
Lewis	Madden	Wagner	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act to amend section 10 of chapter 9 of the Laws of 1857, entitled 'An act to authorize the formation of insurance companies,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Wagner
Baker	Cock	Lewis	Perry	Weismann
Benedict	Dickinson	Lord	Robertson	Woodin
Bowen	Foster	Lowery	Tiemann	

## FOR THE NEGATIVE.

Winslow

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act increasing the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Wagner
Baker	Dickinson	Lord	Perry	Weismann
Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield				

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the support and relief of the poor, and for the government of the poor department in the county of Erie,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Wagner
Baker	Dickinson	Lord	Perry	Weismann
Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield				

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to define the jail limits of the county of Jefferson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Baker	Dickinson	Lord	Robertson	Winslow
Benedict	Foster	McGowan	Tiemann	Woodin
Bowen	Harrower	Madden	Wagner	

*ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to authorize the surrogates' courts in all the cities of this State to appoint auditors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Harrower	McGowan	Weismann	
Cock	Lewis	Perry	Winslow	
Dickinson	Lord	Robertson	Woodin	
Foster	Lowery	Tiemann		19

FOR THE NEGATIVE.

1  
*ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watertown and to enlarge the powers of the corporation of said village,' passed March 3, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Johnson	McGowan	Tiemann	
Cock	Lewis	Madden	Wagner	
Dickinson	Lord	Perry	Weismann	
Harrower	Lowery	Robertson	Woodin	20

*ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act confirming certain proceedings of the common council of the city of Buffalo, and authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	Johnson	McGowan	Wagner	
Dickinson	Lewis	Perry	Weismann	
Foster	Lord	Robertson	Winslow	
Harrower	Lowery	Tiemann	Woodin	20

FOR THE NEGATIVE.

1  
*ordered*, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act relating to lands in the city of New York owned by Francis Wiener, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Wagner
Baker	Dickinson	Lord	Perry	Weisman
Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield	Johnson			

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed March 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Weisman
Baker	Dickinson	Lord	Perry	Winslow
Benedict	Foster	Lowery	Robertson	Woodin
Chatfield	Harrower	McGowan	Wagner	

## FOR THE NEGATIVE.

Tiemann

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The bill entitled "An act to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railway companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Wagner
Baker	Dickinson	Lord	Perry	Weisman
Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield	Johnson			

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The bill entitled "An act in relation to the highway from the town of Northville to Lake Pleasant, in the county of Hamilton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Baker	Cock	Lewis	Perry	Weisman
Benedict	Dickinson	Lord	Robertson	Winslow
Bowen	Foster	McGowan	Tiemann	Woodin

A bill entitled "An act to ascertain, by proper proofs, the citizens shall be entitled to the right of suffrage in the State of New York, in the city and county of New York and the county of Kings,

it said bill to the committee on the affairs  
strike out the enacting clause.

and by unanimous consent, the bill was

out the words "county of Kings," and "city of Brooklyn."

President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

<b>Bowen</b>	<b>Harrower</b>	<b>Madden</b>	<b>Weismann</b>	
<b>Chatfield</b>	<b>Lewis</b>	<b>Perry</b>	<b>Winslow</b>	
<b>Dickinson</b>	<b>Lowery</b>	<b>Robertson</b>	<b>J. Wood</b>	
<b>Foster</b>	<b>McGowan</b>	<b>Wagner</b>	<b>Woodin</b>	<b>20</b>

Lord                      Tiemann                      8

bill entitled "An act to incorporate the St. Lawrence Bridge Com-  
' was read a third time.

Chatfield	Johnson	Madden	Weismann
Cock	Lewis	Perry	Winslow
Dickinson	Lord	Robertson	J. Wood
Foster	Lowery	Tiemann	Woodin
Harrower	McGowan	Wagner	

bill entitled "An act to repeal chapter 245 of the Laws of 1871, and 'An act relating to military exemptions,'" was read a third time.

President put the question whether the Senate would agree to the passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Wagner
Allen	Cock	Lewis	Perry	Weisman
Baker	Dickinson	Lowery	Robertson	J. Wood
Benedict	Foster	McGowan	Tiemann	Woodin
Bowen	Harrower			

## FOR THE NEGATIVE.

Winslow

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to clear and regulate the court-house property of the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow
Allen	Cock	McGowan	Tiemann	J. Wood
Baker	Foster	Madden	Wagner	Woodin
Benedict	Harrower	Perry	Weismann	

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The Assembly bill entitled "An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weisman
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Harrower	McGowan	Tiemann	J. Wood
Bowen	Johnson	Madden	Wagner	Woodin
Chatfield	Lewis			

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 90, Laws of 1869, be an act entitled 'An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to freshets therein,' passed April 2, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Weisman
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lord	Robertson	J. Wood
Benedict	Foster	Lowery	Tiemann	Woodin
Bowen	Harrower	McGowan	Wagner	

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

By unanimous consent, Mr. Robertson, from the committee on the Judiciary, to which was referred the Assembly bill entitled "An act to amend the time for the collection of taxes in the city of Elmira," reported in favor of the passage of the same, and said bill was committed to the whole.

Robertson, and by unanimous consent, said bill was

put to the question whether the Senate would agree to pass said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and members being present, as follows:

FOR THE AFFIRMATIVE.

as	Chatfield	Johnson	Perry	Weismann
r	Cock	Lowery	Robertson	Winslow
dict	Dickinson	McGowan	Tiemann	J. Wood
n	Foster	Madden	Wagner	Woodin
	Harrower			

23

ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the

Mr. Perry moved that the bill entitled "An act to repeal chapter 778 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," be recommitted to the committee on roads and bridges, retaining its place on the general orders.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The bill entitled "An act to authorize the water commissioners of the town of Watertown to borrow money for the construction of a reservoir, for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

as	Chatfield	Johnson	Perry	Weismann
t	Cock	Lewis	Robertson	Winslow
r	Dickinson	Lowery	Tiemann	J. Wood
dict	Foster	McGowan	Wagner	Woodin
n	Harrower	Madden		

23

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

as	Chatfield	Johnson	Perry	Weismann
n	Cock	Lewis	Robertson	Winslow

aker	Dickinson	Lowery	Tiemann	J. Wood
enedict	Foster	McGowan	Wagner	Woodin
owen	Harrower	Madden		

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the f Perry, county of Wyoming," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

dams	Chatfield	Johnson	Perry	Weisman
llen	Cock	Lewis	Robertson	Winslow
aker	Dickinson	Lowery	Tiemann	J. Wood
enedict	Foster	McGowan	Wagner	Woodin
owen	Harrower	Madden		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'giving permission to the United States to remove a portion of the work known as the Erie Basin Breakwater, in or near Buffalo passed April 27, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

dams	Cock	Lewis	Perry	Weisman
llen	Dickinson	Lord	Robertson	Winslow
aker	Foster	Lowery	Tiemann	J. Wood
owen	Harrower	McGowan	Wagner	Woodin
Chatfield	Johnson	Madden		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to legalize the acts of David B. Barr, notary public," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

dams	Chatfield	Johnson	Perry	Weisman
llen	Cock	Lewis	Robertson	Winslow
aker	Dickinson	Lowery	Tiemann	J. Wood
enedict	Foster	McGowan	Wagner	Woodin
owen	Harrower	Madden		

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act in relation to the Brooklyn Club," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Cock	Lewis	Perry	Weismann
Dickinson	Lowery	Robertson	Winslow
Foster	McGowan	Tiemann	J. Wood
Johnson	Madden	Wagner	Woodin

21

Ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act authorizing and directing the surmount of the county of Cattaraugus, to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Cock	Johnson	McGowan	Weismann
Dickinson	Lewis	Perry	Winslow
Foster	Lord	Robertson	J. Wood
Harrower	Lowery	Wagner	Woodin

21

## FOR THE NEGATIVE.

Tiemann
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2

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for fair grounds in the city of Chemung," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Chatfield	Johnson	Perry	Weismann
Cock	Lewis	Robertson	Winslow
Dickinson	Lowery	Tiemann	J. Wood
Foster	McGowan	Wagner	Woodin
Harrower			

22

## FOR THE NEGATIVE.

--

1

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warrenton and to enlarge the powers of the corporation of said village,' passed March 17, 1860," was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Chambers	Chatfield	Lord	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Walker	Foster	McGowan	Tiemann	J. Wood
Benjamin	Harrower	Madden	Wagner	Woodin
Lawson	Lewis			

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act to provide for a vote of the inhabitants of the towns of Little Falls, Manheim and Danube, in the county of Herkimer, upon the question of the completion of the bridge over the Mohawk river at Fink's Basin, in the county of Herkimer, and to provide for the payment of the indebtedness incurred by the commissioners appointed under chapter 903 of the Laws of 1889 of said towns on account of said bridge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Chambers	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Walker	Foster	McGowan	Tiemann	J. Wood
Lawson	Harrower	Madden	Wagner	Woodin
Chatfield				

*Ordered,* That the Clerk deliver said bill to the Assembly, and receive their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1889," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Chambers	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Walker	Foster	McGowan	Tiemann	J. Wood
Lawson	Harrower	Madden	Wagner	Woodin
Chatfield	Johnson			

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act to incorporate the Washington Park Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

er	Dickinson	Lewis	Perry	Weismann
edict	Foster	Lord	Robertson	Winslow
en	Harrower	Lowery	Tiemann	J. Wood
utfield	Johnson	McGowan	Wagner	Woodin
				21

Ordered, That the Clerk deliver said bill to the Assembly, and request

to legalize and confirm the official acts of  
of Brooklyn, county of Kings, and State  
, was read a third time.

tion whether the Senate would agree to  
and it was decided in the affirmative, a  
cted to the Senate voting in favor thereof,  
rs being present, as follows :

HE AFFIRMATIVE.

Johnson	Madden	Weismann
ewis	Perry	Winslow
ord	Robertson	J. Wood
owery	Tiemann	Woodin
McGowan	Wagner	24

Ordered, That the Clerk deliver said bill to the Assembly, and request  
r concurrence therein.

he bill entitled "An act to authorize the United States Contracting  
pany to change its name," was read a third time.

The President put the question whether the Senate would agree to  
final passage of said bill, and it was decided in the affirmative, a  
ority of all the members elected to the Senate voting in favor thereof,  
ollows :

FOR THE AFFIRMATIVE.

ms	Chatfield	Johnson	Perry	Weismann
h	Cock	Lewis	Robertson	Winslow
er	Dickinson	Lord	Tiemann	J. Wood
edict	Foster	McGowan	Wagner	Woodin
en	Harrower	Madden		23

Ordered, That the Clerk deliver said bill to the Assembly, and request  
r concurrence therein.

he Assembly bill entitled "An act to incorporate the Society of St.  
cent de Paul, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to  
final passage of said bill, and it was decided in the affirmative, a  
ority of all the members elected to the Senate voting in favor thereof,  
ollows :

FOR THE AFFIRMATIVE.

ms	Cock	Johnson	Perry	Weismann
en	Dickinson	Lewis	Robertson	Winslow
er	Foster	Lord	Tiemann	J. Wood
en	Harrower	McGowan	Wagner	Woodin
utfield				21

Ordered, That the Clerk return said bill to the Assembly, with a mes-  
sage informing that the Senate have concurred in the passage of the  
na.



The bill entitled "An act to repeal an act entitled 'An act appointing of an interpreter in the police justice and justices' of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Perry	Weisman
Baker	Dickinson	Lowery	Robertson	Winslow
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin
Chatfield				

*Ordered*, That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The Assembly bill entitled "An act in relation to a board of supervisors for the town and village of Saratoga Springs, Saratoga county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weisman
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin
Chatfield	Lewis			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to repeal an act entitled 'An act to incorporate the Grand Commandery of the State of New York,' passed April 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weisman
Allen	Dickinson	Lord	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	J. Wood
Bowen	Harrower	McGowan	Wagner	Woodin
Chatfield	Johnson	Madden		

*Ordered*, That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off its debt incurred in the purchase of land for a free academy, and to issue its bonds for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Chatfield	Lord	Perry	Weismann
Cock	Lowery	Robertson	Winslow
Dickinson	McGowan	Tiemann	J. Wood
Foster	Madden	Wagner	Woodin
Harrower			

21

ered, That the Clerk return said bill to the Assembly, with a message that the Senate have concurred in the passage of the same. act in relation to the First Baptist Church and

," was read a third time.  
 a question whether the Senate would agree to  
 d bill, and it was decided in the affirmative, a  
 vers elected to the Senate voting in favor thereof,

## FOR THE AFFIRMATIVE.

Chatfield	Johnson	Madden	Weismann
Cock	Lewis	Perry	Winslow
Dickinson	Lord	Robertson	J. Wood
Foster	Lowery	Tiemann	Woodin
Harrower	McGowan	Wagner	

24

ered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

Assembly bill entitled "An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the Hudson, and to authorize said society to take and hold by gift, devise purchase or otherwise, real and personal estate,' passed 28, 1871," was read a third time.

President put the question whether the Senate would agree to al passage of said bill, and it was decided in the affirmative, a ty of all the members elected to the Senate voting in favor thereof, ows:

## FOR THE AFFIRMATIVE.

Dickinson	Lewis	Perry	Weismann
Foster	Lowery	Robertson	Winslow
Harrower	McGowan	Tiemann	J. Wood
Johnson	Madden	Wagner	Woodin

20

ered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the

Assembly bill entitled "An act to incorporate the Soldiers' Monument Society of Niagara county," was read a third time.

President put the question whether the Senate would agree to al passage of said bill, and it was decided in the affirmative, a ty of all the members elected to the Senate voting in favor thereof, ows:

## FOR THE AFFIRMATIVE.

Chatfield	Johnson	Madden	Weismann
Cock	Lewis	Perry	Winslow
Dickinson	Lord	Tiemann	J. Wood
Foster	Lowery	Wagner	Woodin
Harrower	McGowan		

23

ered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the with amendments.

The Assembly bill entitled "An act to incorporate the South Waver Cemetery Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Wagner
Allen	Dickinson	Lewis	Perry	Weisman
Baker	Foster	Lowery	Robertson	J. Wood
Chatfield	Harrower	McGowan	Tiemann	Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate the St. Agnes' Cemetery,' May 9, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weisman
Allen	Cock	Lord	Robertson	Winslow
Baker	Dickinson	Lowery	Tiemann	J. Wood
Benedict	Foster	McGowan	Wagner	Woodin
Bowen	Harrower	Madden		

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same with an amendment.

The Assembly bill entitled "An act to repeal so much of chapters 100 and 101 of the Laws of 1870, as relate to non-resident lands in the county of Frazer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weisman
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	Madden	Wagner	Woodin
Bowen	Harrower			

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend the charter of the Young Men's Christian Association of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weisman
Allen	Cock	Lord	Robertson	Winslow

	Dickinson	Lowery	Tiemann	J. Wood	
	Foster	McGowan	Wagner	Woodin	
	Harrower	Madden			23

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to incorporate the Manhattan Loan and Trust company of the city of New York," was read a third time.

The President put the question whether the Senate would agree to final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

	Dickinson	Lord	Robertson	Winslow	
	Foster	Madden	Wagner	J. Wood	
	Lewis	Perry	Weismann		14

FOR THE NEGATIVE.

Benedict	Bowen	Lowery	Tiemann	5
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Mr. Madden moved to reconsider the vote by which said bill was lost, that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved to take from the table the motion to reconsider the vote upon said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

	Cock	Lewis	Madden	Weismann	
	Dickinson	Lord	Perry	Winslow	
	Foster	Lowery	Robertson	J. Wood	
	Harrower	McGowan	Wagner	Woodin	20

FOR THE NEGATIVE.

					1
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

	Cock	Lewis	Madden	Weismann	
	Dickinson	Lord	Perry	Winslow	
	Foster	Lowery	Robertson	J. Wood	
	Harrower	McGowan	Wagner	Woodin	20

FOR THE NEGATIVE.

					1
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ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to provide for the construction and improvement of the road from Piseco lake to Claffin's tannery, in the county of Clinton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Cock	Lord	Robertson	Winslow
Baker	Dickinson	Lowery	Tiemann	J. Wood
Benedict	Foster	McGowan	Wagner	Woodin
Bowen	Harrower	Madden		

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Lord	Robertson	Winslow
Baker	Dickinson	Lowery	Tiemann	J. Wood
Benedict	Foster	McGowan	Wagner	Woodin
Bowen				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill.

The Assembly bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	McGowan	Wagner	J. Wood
Baker	Dickinson	Perry	Weismann	Woodin
Bowen				

**FOR THE NEGATIVE.**

Lowery

Mr. Perry moved that the vote by which said bill was lost be reconsidered, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Assembly bill entitled "An act for the relief of the heirs of John Early, deceased, late of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow

	Harrower	McGowan	Tiemann	J. Wood	
field	Johnson	Madden	Wagner	Woodin	23
	Lewis				

ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act relating to lands devised by David Stanley, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

	Cock	Lewis	Madden	Weismann	
	Dickinson	Lord	Perry	Winslow	
	Foster	Lowery	Robertson	J. Wood	
n	Harrower	McGowan	Wagner	Woodin	21
field					

**FOR THE NEGATIVE.**

dict	Tiemann	3
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ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act relative to the laying out and opening of Madison avenue, north of 120th street, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

	Benedict	Harrower	Tiemann	J. Wood	
	Chatfield	Robertson	Weismann	Woodin	11

**FOR THE NEGATIVE.**

en	Lewis	Lowery	Perry	Winslow	8
inson	Lord	McGowan			

r. Tiemann moved to reconsider the vote by which said bill was lost, that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend the charter of the New York Bond and Deposit Company of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

	Foster	Madden	Tiemann	Winslow	
	Harrower	Perry	Wagner	J. Wood	
field	Lewis	Robertson	Weismann	Woodin	17
inson	Lord				

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of



taxes and assessments, and to issue its bonds for the payment of the same, was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor of the same, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	J. Wood
Chatfield	Lewis	Madden	Wagner	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor of the same, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lord	Robertson	J. Wood
Benedict	Foster	Lowery	Tiemann	Woodin
Bowen	Harrower	McGowan	Wagner	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Ulster Hospital," having been announced for a third reading,

On motion of Mr. Weismann, and by unanimous consent, said bill was amended as follows:

Section 1, line 20, engrossed bill, strike out the word "town" and insert in lieu thereof the word "city."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor of the same, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Cock	Lewis	Robertson	Winslow
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Foster	Lowery	Wagner	Woodin
Bowen	Harrower	McGowan		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue in said town," was read a third time.

President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Lewis	Perry	Weismann	
Cock	Lord	Robertson	Winslow	
Dickinson	Lowery	Tiemann	J. Wood	
Harrower	McGowan	Wagner	Woodin	20

Resolved, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

A bill entitled "An act to amend an act entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' passed March 6, A. D. 1871," was read a third time.

President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	McGowan	Tiemann	Winslow	
Cock	Perry	Wagner	J. Wood	
Dickinson	Robertson	Weismann	Woodin	
Lowery				17

Resolved, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

A bill entitled "An act in relation to the incorporation of the village of Whitney's Point," was read a third time.

President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bowen	Harrower	McGowan	Weismann	
Chatfield	Johnson	Robertson	Winslow	
Cock	Lord	Tiemann	J. Wood	
Dickinson	Lowery	Wagner	Woodin	20

Resolved, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

A bill entitled "An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire," was read a third time.

President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Johnson	Perry	Weismann	
Cock	Lowery	Robertson	Winslow	
Foster	McGowan	Tiemann	J. Wood	
Harrower	Madden	Wagner	Woodin	20

Resolved, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy Johnson street, and Hudson avenue, and other streets and avenues of the city of Brooklyn,' passed April 6, 1871," having been announced for a third reading,

On motion of Mr. Perry, and by unanimous consent, said bill was amended as follows:

Add, at the end of section 2, the following:

"Provided, however, that all such work shall be done without interruption to, or interfering with, the ordinary and regular travel on the streets and avenues."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in person thereon, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin
Chatfield				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill with an amendment.

The Assembly bill entitled "An act to limit the amount of money to be paid to the Hornell Library Association to five hundred dollars," to amend chapter 549 of the Laws of 1869," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in person thereon, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lewis	Tiemann	J. Wood
Baker	Dickinson	McGowan	Wagner	Woodin
Bowen	Foster	Perry	Weismann	

FOR THE NEGATIVE.

Johnson

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill.

The Assembly bill entitled "An act to authorize the board of education of school district number ten, in the town of Warsaw, to erect a school building, and provide means for payment thereof," having been announced for a third reading,

On motion of Mr. J. Wood, and by unanimous consent, said bill was amended as follows:

Section 3, line 12, engrossed bill, strike out the word "two" and insert in lieu thereof the word "three."

Same section, line 14, strike out the word "three," and insert in lieu thereof the word "four."

Same section, line 15, strike out the word "four," and insert in lieu thereof the word "five."



to fund a debt incurred by the issue of bonds in the purchasing of the Syracuse and Binghamton railroad."

"An act to amend an act entitled 'An act to authorize the council of the city of Binghamton to borrow money for the purchasing a site for a high school, and erecting and furnishing a building thereon.'"

The bill entitled "An act to amend an act entitled 'An act to require the district attorney of the county of Erie to give a bond to pay the moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

dams	Chatfield	Harrower	Perry	Weismann
Ellen	Cock	Lewis	Robertson	Winslow
Baker	Dickinson	Lord	Tiemann	J. Wood
Owen	Foster	Lowery	Wagner	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

dams	Chatfield	Johnson	Madden	Wagner
Ellen	Cock	Lewis	Perry	Weismann
Baker	Dickinson	Lord	Robertson	Winslow
Owen	Foster	Lowery	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and report thereon their concurrence therein.

The bill entitled "An act to organize a board of school commissioners for the city of Troy," having been announced for a third reading.

On motion of Mr. Baker, and by unanimous consent, the said bill was amended as follows:

Section 14, line 5, engrossed bill, strike out the words "filling of the cases as," and insert in lieu thereof the word "cases."

Same section, line 6, strike out the words "seventh" and "eighth" and insert in lieu thereof the words "eighth" and "ninth."

Insert as section 21 the following:

"§ 21. The present board of education shall appoint a suitable person other than a member of their body superintendent of schools for the city of Troy, who shall exercise such powers and discharge such duties as the board shall, from time to time, delegate and direct, and shall receive such salary as the said board may determine."

Change the number of section "21" to "22."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Chatfield	Lord	Perry	Weismann
		Lowery	Robertson	Winslow
		McGowan	Tiemann	J. Wood
		Madden	Wagner	Woodin

MI

k deliver said bill to the Assembly, and request

it to amend an act entitled 'An act to provide swamp, bog and other low and wet lands in the and adjacent thereto,' passed May 2, 1871," was

question whether the Senate would agree to bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Chatfield	Harrower	Perry	Weismann
a	Cock	Lewis	Robertson	Winslow
r	Dickinson	Lord	Tiemann	J. Wood
en	Foster	Lowery	Wagner	Woodin

20

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county Monroe, State of New York,' passed April 11, 1870," was read a third time.

The President put the question whether the Senate would agree to final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Chatfield	Harrower	Perry	Weismann
a	Cock	Lewis	Robertson	Winslow
r	Dickinson	Lord	Tiemann	J. Wood
en	Foster	Lowery	Wagner	Woodin

20

ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill, with an amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," was read a third time.

The President put the question whether the Senate would agree to final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Cock	Johnson	Perry	Weismann
r	Dickinson	Lewis	Robertson	Winslow



Benedict  
Chatfield

Foster  
Harrower

Lord  
Madden

Tiemann  
Wagner

J. Wood  
Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds for the same, and to create a board of water commissioners," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
Chatfield

Cock  
Dickinson  
Foster  
Harrower

Johnson  
Lewis  
Lord  
Lowery

McGowan  
Madden  
Perry  
Robertson

Tiemann  
Wagner  
Weisman  
Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the acts of Sherrill Daboll as notary public of Madison county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
Bowen  
Chatfield

Cock  
Dickinson  
Foster  
Harrower

Johnson  
Lewis  
Lord  
Lowery

Madden  
Perry  
Robertson  
Tiemann

Wagner  
Weisman  
Winslow  
Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the inhabitants of Union School District No. 1 in the town of Moreau, in the county of Saratoga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
Benedict

Chatfield  
Cock  
Dickinson  
Foster

Johnson  
Lewis  
Lord  
Lowery

Madden  
Perry  
Robertson  
Tiemann

Wagner  
Weisman  
Winslow  
Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to authorize the laying out, opening, and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of the same," was read a third time.

The President put the question whether the Senate would agree to the passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

ma	Cock	Lewis	Perry	Weismann
o	Dickinson	Lord	Robertson	Winslow
er	Harrower	Lowery	Tiemann	J. Wood
en	Johnson	McGowan	Wagner	Woodin
field				21

Mr. Johnson moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to lay said bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to change and fix the number of trustees of the Attica Union Free School and Academy," was read a second time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

ns	Chatfield	Harrower	Madden	Weismann
a	Cock	Lord	Perry	Winslow
r	Dickinson	Lowery	Robertson	J. Wood
en	Foster	McGowan	Wagner	Woodin
				20

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill.

The bill entitled "An act to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

ns	Chatfield	Harrower	Robertson	Winslow
a	Cock	Johnson	Tiemann	J. Wood
r	Dickinson	Lowery	Wagner	Woodin
en	Foster	Perry	Weismann	19

Ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to amend chapter 810 of the Laws of 1864, and an act to incorporate the Farmers' Protective Union," was read a second time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weisman
Allen	Foster	Lord	Robertson	Winslow
Baker	Harrower	Lowery	Tiemann	J. Wood
Chatfield	Johnson	McGowan	Wagner	Woodin
Cock				

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the flooding of lands by reason of the construction of the State dam across the Tonawanda creek at the village of Tonawanda,' passed May 5, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Robertson	Weisman
Allen	Cock	Lowery	Tiemann	Winslow
Benedict	Dickinson	Madden	Wagner	Woodin
Bowen	Harrower	Perry		

## FOR THE NEGATIVE.

Johnson	Lord	McGowan
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*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Allen	Cock	Lewis	Perry	Weisman
Benedict	Dickinson	Lowery	Robertson	J. Wood
Bowen	Foster	McGowan	Tiemann	Woodin

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act in relation to the mounted batteries of the National Guard," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weisman
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	J. Wood
Chatfield	Harrower	McGowan	Wagner	Woodin

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled "An act to enable the Astoria and Hunter's Point Road Company to extend their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Cock	Lowery	Tiemann	Winslow
Dickinson	McGowan	Wagner	J. Wood
Foster	Perry	Weismann	Woodin
Harrower	Robertson		

19

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

Woodin, from the committee on engrossed bills, reported as co-engrossed the bills entitled as follows:

An act to amend an act entitled 'An act to incorporate the city of Hamton,' passed April 9, 1867, and the several acts amending the

an act to consolidate the city and county of New York, and to provide regulations for the government thereof."

An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May 2, 1863, and the acts amendatory thereof."

An act to legalize payments made by the Comptroller to justices of the supreme court in the second judicial district, and to authorize further payments by said Comptroller to said justices.

An act to extend Monhagen avenue in the town of Wallkill, Orange County."

An act to amend chapter 662 of the Laws of 1870, passed May 5, 1871, entitled 'An act to repeal an act to provide for the publication of notices in the county of Hamilton,' passed April 19, 1866; also, 'An act to amend the same, passed March 28, 1867.'"

The bill entitled "An act to repeal section 22 of an act entitled 'An act to amend the charter of the city of Brooklyn,' passed April 19, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Lewis	Perry	Weismann
Foster	Lowery	Robertson	Winslow
Harrower	McGowan	Tiemann	J. Wood
Johnson	Madden	Wagner	Woodin

20

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The bill entitled 'An act authorizing the removal of the remains of all persons interred in Monroe street cemetery, in the city of Rochester, to Mount Hope or other cemeteries in the city, and the taking of the lands included within the bounds of said Monroe street cemetery by the city

of Rochester for public school and park purposes; also the issue of by said city to defray the expenses thereof," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Wagner
Allen	Cock	Lewis	Madden	Weisma
Baker	Dickinson	Lord	Perry	Winslow
Benedict	Foster	Lowery	Robertson	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the construction of a railway and tracks in the towns of West Morrisania,' passed May 2, 1863, and the acts amendatory thereof," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Allen	Cock	Johnson	Perry	Weisma
Benedict	Dickinson	Lowery	Robertson	Winslow
Bowen	Foster	McGowan	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the city of Binghamton,' passed April 9, 1867, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weisma
Allen	Chatfield	Lewis	Robertson	Winslow
Baker	Cock	Lowery	Tiemann	J. Wood
Benedict	Dickinson	McGowan	Wagner	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to legalize payments made by the Comptroller to justices of the supreme court in the second judicial district, and to authorize further payments by said Comptroller to said justices thereof," was read a third time.

The President put the question whether the Senate would assent to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weisma
Allen	Chatfield	Johnson	Robertson	Winslow

	Cock	Lowery	Tiemann	J. Wood	
dict	Dickinson	McGowan	Wagner	Woodin	20

dered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

the bill entitled "An act to consolidate the city and county of New York, and to provide regulations for the government thereof, was read a third time.

The President put the question whether the Senate would agree to the passage of said bill, and it was decided in the affirmative, a majority of three-fifths of the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

	Chatfield	Harrower	Madden	Wagner	
	Cock	Lewis	Perry	Weismann	
	Dickinson	Lowery	Robertson	Winslow	
dict	Foster	McGowan	Tiemann	Woodin	20

dered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

the bill entitled "An act to extend Monhagen avenue in the town of Millkill, Orange county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

	Cock	Johnson	Madden	Wagner	
	Dickinson	Lewis	Perry	Weismann	
	Foster	Lowery	Robertson	Winslow	
eld	Harrower	McGowan	Tiemann	Woodin	20

dered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

the bill entitled "An act to amend chapter 662 of the Laws of 1870, and May 5, 1870, entitled 'An act to repeal "An act to provide for the publication of legal notices in the county of Hamilton," passed April 1866; also, 'An act amending the same,' passed March 26, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

	Bowen	Foster	Perry	Weismann	
	Chatfield	Johnson	Robertson	Winslow	
	Cock	McGowan	Tiemann	J. Wood	
dict	Dickinson	Madden	Wagner	Woodin	20

dered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

Woodin moved that the special order, being the bill entitled "An act to incorporate the New York Warehouse and Railway Company, to provide improved wharves and warehouses in the city of New York; and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester," now taken up.



The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Woodin moved that said bill be considered in the first course of the whole.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

By unanimous consent, Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,'" reported in favor of the passage of the same, and said bill was committed to the course of the whole.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," with a message that they had assented to a committee of conference to be appointed, and had appointed as such committee, on their part, Messrs. Albion B. Baltz, Kennedy, Enos, and Wiley.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to the location and erection of public buildings for the use of the city of Rochester."

*Ordered,* That the Clerk return said bill to the Assembly.

On motion of Mr. Allen, the Senate took a recess until half past six o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

Senate again met.

Mr. Baker presented a petition of citizens of Greenbush for incorporation of the Albany and Greenbush Bridge Company; which was read and committed to the committee of the whole.

The Assembly returned the bill entitled "An act to incorporate the Chapter of the Psi Upsilon Fraternity in the village of Clinton, county of Oneida, in the State of New York," with a message that they had concurred in the passage of the same.

*Ordered,* That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Chatfield asked and obtained leave to introduce a bill entitled "An act relative to the North Park Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Foster asked and obtained leave to introduce a bill entitled "An act to amend chapter 412 of the Laws of 1857, entitled 'An act to amend an act to provide for the registry of liens and incumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to supply the city of Rochester with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Chatfield, from the committee on roads and bridges, to which was committed the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to cut a public highway in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges to which was referred the bill entitled "An act for the completion of Westchester avenue in the towns of White Plains, Harrison and Rye, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference, to which was referred the matter in conference between the two houses, upon the bill entitled "An act to authorize the formation, establishing and maintaining of driving parks, and agricultural associations," report that they have met, and recommend the adoption of the following amendments to said bill:

Strike out section 9 and insert in lieu thereof,

§ 9. During any public exhibition held on the grounds of such association, the sheriffs of the counties within which the same are situated, are hereby authorized, at the request of the officers of the association, to appoint so many special policemen as may be deemed necessary to aid in preserving order and enforcing the rules of the association, provided that compensation for the services of such special policemen shall in no case be a charge upon any county, city, town or village."

Strike out all of section 11, and change the remaining sections to correspond.

Amend section 12 by inserting the word "any" after the word "under" in second line; and after the word "act," in same line, strike out all to and including the word "and" in third line.

A. C. MCGOWAN,  
SAMUEL S. LOWERY,  
J. LORD,

*Senate Committee.*

L. T. YEOMANS,  
P. COUCHMAN,  
T. ABBOTT,  
M. L. HUNGERFORD,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report of the conference committee, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bowen	Mr. Harrower	Mr. McGowan	Mr. Weismann	
Mr. Chatfield	Mr. Johnson	Mr. Madden	Mr. Winslow	
<del>Mr. Dickinson</del>	Mr. Lewis	Mr. Robertson	Mr. D. P. Wood	
Mr. Foster	Mr. Lord	Mr. Tiemann	Mr. Woodin	20

Mr. Dickinson, from the committee on the affairs of villages, to which was recommitted the Assembly bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was referred the bill entitled "An act to incorporate the New York Loan and Improvement Building Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the

bill entitled "An act to reappropriate certain moneys for the improvement of the Champlain canal, and also to reappropriate the sum of eight thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraiser and the Canal Board for the years 1868 and 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which he referred the bill entitled "An act to amend an act entitled 'An act to allow the justices of the supreme court assigned to hold the general term thereof, in the several judicial departments of this State, to fix the time and places of holding the same,' passed April 27, 1871," reported that they had made some amendments thereto, and have amended the title as to read as follows: "An act to amend chapter 766 of the Laws of 1870, entitled 'An act to allow the justices of the supreme court assigned to hold the general term thereof, in the several judicial departments of this State, to fix the time and places of holding the same,' passed April 27, 1871," and said bill was committed to the committee of the whole.

The Assembly returned the Assembly bill entitled "An act to reorganize the local government of the city of New York," with a message that they had non-concurred in the amendments of the Senate thereto, and had appointed a committee of conference consisting of Messrs. Alvord, Hawkins, Fort, Morton, and Paige, on the part of the Assembly, and request a like committee on the part of the Senate.

Mr. Palmer moved that a committee of conference be appointed.

Mr. Benedict moved that such committee consist of Messrs. P. Woodin, and D. P. Wood.

Mr. Palmer moved to lay said motion on the table.

The President put the question whether the Senate would agree to the motion to lay on the table, and it was decided in the affirmative.

Mr. Tiemann, from the committee on the affairs of cities, to which he referred the bill entitled "An act to provide for the improvement of 155th street in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, to which he referred the bill entitled "An act in relation to expenses in opening streets, and for local improvements in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the bill entitled "An act making appropriations for the support of government," be recommitted to the committee on finance, retaining its place as a special order for to-morrow.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Chatfield, from the committee on the affairs of cities, to which he referred the bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President announced the special order, being the following resolutions:

*Resolved*, That the report of the select committee appointed to

the charges against Senator James Wood be accepted, and the committee be discharged from the further consideration of the subject.  
*Resolved*, That the Hon. James Wood, Senator from the Thirtieth district, be, and hereby is, expelled from his seat in the Senate.

After debate thereon,

Mr. Murphy moved to amend the resolutions by substituting the following:

*Resolved*, That, in the opinion of the Senate, the conduct of Hon. James Wood in placing himself under pecuniary obligations to persons likely to have important legislation pending before the body of which he then a member was improper and censurable.

*Resolved*, That the acts with which he now stands charged are not offenses against the privileges of this body, but of a former Senate, and the further consideration of the resolution of expulsion be indefinitely postponed.

The President put the question whether the Senate would agree to the motion to amend, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

dict	Foster	Lewis	Murphy	Weismann	
en	Graham	Lord	Tiemann	Winslow	
inson	Harrower	Madden	Wagner	Woodin	15

FOR THE NEGATIVE.

ns	Chatfield	Lowery	Palmer	Robertson	
a	Cock	McGowan	Perry	D. P. Wood	
r	Johnson				12

The question being upon the resolutions as amended,

Mr. D. P. Wood called for a division of the question.

The President put the question on the first resolution of Mr. Murphy, in the words as follows: "*Resolved*, That, in the opinion of the Senate, the conduct of Hon. James Wood, in placing himself under pecuniary obligations to persons likely to have important legislation pending before the body of which he was then a member, was improper and censurable," and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

ns	Cock	Lewis	Murphy	Wagner	
a	Dickinson	Lord	Palmer	Weismann	
r	Foster	Lowery	Perry	Winslow	
dict	Graham	McGowan	Robertson	D. P. Wood	
en	Harrower	Madden	Tiemann	Woodin	
field	Johnson				27

The question being upon the second resolution, in the words as follows: "*Resolved*, That the acts with which he now stands charged are not offenses against the privileges of this body, but of a former Senate, and the further consideration of the resolution of expulsion be indefinitely postponed,"

Mr. Palmer moved to amend by adding thereto the following: "And Senator Wood be requested to resign."

The President put the question whether the Senate would agree to the motion of Mr. Palmer, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

ns	Chatfield	Lowery	Palmer	Robertson	
a	Cock	McGowan	Perry	D. P. Wood	
r	Johnson				12

## FOR THE NEGATIVE.

Benedict	Foster	Lewis	Murphy	Weismann	
Bowen	Graham	Lord	Tiemann	Winslow	
Dickinson	Harrower	Madden	Wagner	Woodin	15

The question recurring upon the second resolution,

Mr. Robertson called for a division.

The President put the question upon the first branch of said resolution, in the words as follows: "*Resolved*, That the acts with which he now stands charged are not offenses against the privileges of this body, but of a former Senate," and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Robertson	Weismann	
Benedict	Graham	Madden	Tiemann	Winslow	
Bowen	Harrower	Murphy	Wagner	Woodin	
Dickinson	Lewis				17

## FOR THE NEGATIVE.

Allen	Chatfield	Johnson	McGowan	Perry	
Baker	Cock	Lowery	Palmer	D. P. Wood	10

The President put the question on the second division of the resolution, in the words as follows: "And that the further consideration of the resolutions of expulsion be indefinitely postponed," and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Foster	Lewis	Murphy	Weismann	
Bowen	Graham	Lord	Tiemann	Winslow	
Dickinson	Harrower	Madden	Wagner	Woodin	15

## FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Palmer	Robertson	
Allen	Cock	McGowan	Perry	D. P. Wood	
Baker	Johnson				12

On motion of Mr. Murphy, the Senate adjourned.

WEDNESDAY, APRIL 10, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shinn.

The journal of yesterday was read and approved.

Mr. Madden presented a petition in favor of reform in the management of the prisons in this State; which was read and referred to the committee on State prisons.

Mr. D. P. Wood presented a petition for an appropriation for the State Homœopathic Asylum for the Insane at Middletown; which was read and referred to the committee on finance.

Mr. Wagner presented a petition for an elevated railway for rapid transit in New York; which was read and referred to the committee on railroads.

Mr. Tiemann presented a memorial of citizens of New York in relation to the appointment of city officials; which was read and referred to the committee on the affairs of cities.

Mr. Murphy presented a remonstrance of the Reformed Dutch of Flatbush against improvement of Coney Island plank-road; which was read and referred to the committee on roads and bridges.

Mr. Foster presented four remonstrances against the act to abolish the use of steam on the Brooklyn, Bath and Coney Island railroad; which were read and referred to the committee on roads and bridges.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to Fordham and Pelham avenues in the towns of West Farms and Westchester, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Brooklyn Improvement Company to issue preferred and special stock," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to criminal courts and police justices in the city and county of New York," reported in favor of the passage of the same, with amendments thereto, and have amended the title so as to read as follows: "An act in relation to courts and justices in the city and county of New York," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to establish a court of special sessions, in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 165, of Laws of 1869, entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869, and also to authorize the city of Buffalo to issue bonds for laying out, improving and embellishing the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act relative to the North Park Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York,' including provisions for communication between said counties, and for improving the navigation of Harlem river and



Spuyten Duyvil creek," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to mechanics' liens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act concerning certain female habitual drunkards, vagrants, and prostitutes in the city of Brooklyn and county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

"An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of Thomas O'Brien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect said village from the effect of high water, and to raise money to pay for the same; also to amend chapter 781 of the Laws of 1865 in relation thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to the East and West Martinsburgh burial grounds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the appointment of clerk, deputy clerk, and other officers of the court of special sessions of the peace in and for the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to repeal section 10, chapter 574, Laws of 1871, entitled 'An act to amend an act entitled "An act to reorganize the local government of the city of New York," passed April 5, 1870;' passed April 18, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 77 of the Laws of 1870, and chapter 586 of

the Laws 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland cemetery, in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake, at Lodi landing,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide for the improvement of the highways extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 18, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal chapter 287 of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the payment of certain indebtedness of the city

of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,' passed June 20, 1851, and the act amendatory thereof,' passed April 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the board of supervisors of the county of Warren to raise and levy the sum of four thousand dollars on the town of Caldwell, in said county of Warren," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act making appropriations for certain expenses of government and for supplying deficiencies in former appropriations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the suppression of the sale of prize packages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water-power thereon, and to check fire therein,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to declare the day for holding the general State election a public holiday," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm a deed from the consistory of the Reformed Church of Poughkeepsie to the consistory of the Second Reformed Church of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act in relation to the receding taxes for the town of Morrisania,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act making further provisions as to the police department

of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

An act to reappropriate moneys for construction of new work upon extraordinary repairs of, the canals of this State, and for payment of debts made by the canal appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York and April 21, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canal affairs.

An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canal for the fiscal year commencing on the first day of October, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

An act to amend an act entitled 'An act to amend article 2, title 1, chapter 6, part 3, of the Revised Statutes, entitled 'of executions against real property,' passed May 2, 1835," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the cities of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Sullivan, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess, passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie excepting the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to amend chapter 190 of the Laws of 1860, entitled 'An act giving to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 6, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act relative to the Hudson Suspension Bridge and New England Hay Company, and authorizing the extension of its road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

An act to amend an act entitled 'An act to authorize the consolidation of certain gas-light companies in the city of Brooklyn,' passed May 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five in Franklin county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to change the name of the Sixth Ward Savings Bank of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to authorize the town of Kingsbury, in the county of Washington, to issue bonds to raise the necessary money to rebuild the courthouse in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the Canal Commissioners to construct a road bridge over the Chemung canal, in the village of Watkins, in Schuyler county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

An act to legalize the election of trustees and other corporation officers of the village of Fonda," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the Pelham and Port Chester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

"An act for the improvement of First street and Kent avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to prevent the taking of fish from Loon lake, in the town of Wayland, Steuben county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue in Westchester county," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to encourage the organization of town agricultural societies,' passed April 14, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to authorize the Rondont and Kingston Gas-light Company to issue bonds for certain purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Young Men's Universalist Association of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Chatfield, and by unanimous consent, the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building or buildings thereon,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Murphy	Wagner
Allen	Cock	Lord	Perry	Weismann
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Harrower	McGowan	Tiemann	Woodin
Bowen	Johnson	Madden		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the Assembly bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," with a message that they had concurred in the amendments of the Senate thereto, and have further amended the bill as follows :

Add, after the word "dollars," the words "which amount shall be provided for in the tax levy of 1872."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Robertson	Winslow
Baker	Harrower	McGowan	Tiemann	D. P. Wood
Benedict	Lewis	Madden	Wagner	J. Wood
Chatfield	Lord	Palmer	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment to the same.

The Assembly returned the bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," with a message that they



had concurred in the passage of the same, with the following amendments:

Change section 4 as follows:

"§ 4. The action taken at the last annual town meeting, in relation to raising money for the construction and repair of roads and bridges in said town, is hereby legalized and confirmed."

Change section 4 to section number 5.

Amend the title so as to read as follows:

"An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the construction and repair of roads and bridges in said town, and to legalize and confirm the action of the last annual town meeting in relation to raising moneys for said purpose."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Benedict	Harrower	McGowan	Tiemann	J. Wood
Bowen	Johnson	Palmer	Wagner	Woodin
Chatfield	Lewis			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," with a message that they had concurred in the passage of the same, with the following amendments:

Section 2 is amended so as to read as follows:

"§ 2. Section 6 of said act is hereby amended so as to read as follows:

"§ 6. Jonathan M. Mathews, Ursal T. Hays, Joshua Draper, James B. Hulse, Edward M. Madden, are hereby appointed water commissioners of the village of Middletown. The term of office of said water commissioners shall be five years, except as hereinafter limited. Within thirty days after the passage of this act, the water commissioners above named shall meet at the rooms of the trustees of the village of Middletown, and shall then and there determine by lot the respective terms of office of the commissioners hereby appointed, and which of them shall hold said office, respectively, for one, two, three, four and five years from the first day of April, eighteen hundred and seventy-two, and such determination shall be entered, by the clerk of the village, in the minutes of the board of trustees of the village of Middletown; and thereupon the commissioners herein appointed shall each hold his office for the term so determined by lot, and annually thereafter, at the first meeting of the board of trustees of said village, said board of trustees shall appoint one person, who shall be a resident and tax-payer of said village, a water commissioner, whose term of office shall be five years; and said commissioners shall, before entering upon the duties of their office, take the usual oath of office."

Amend the title as follows:

"An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866, and the amendment thereto, passed May 14, 1867."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Robertson	Winslow
Baker	Graham	Madden	Tiemann	D. P. Wood
Benedict	Harrower	Palmer	Wagner	J. Wood
Bowen	Lewis	Perry	Weismann	Woodin
Chatfield	Lord			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments to the same.

The Assembly returned the "Concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered,* That the Clerk return said resolution to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to dissolve the New York and Richmond Granite Company."

"An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of the Central New York Conference certain funds and property."

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to authorize the board of education of school district number ten, in the town of Warsaw, to erect a school building, and provide means for payment thereof."

"An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn,' passed April 6, 1871."

*Ordered,* That the Clerk return said bills to the Assembly.

Mr. Benedict moved to take from the table the following resolution :

*Resolved,* That a committee of conference be appointed, on the part of the Senate, on the bill entitled "An act to reorganize the local government of the city of New York," and that Senators Palmer, Woodin and D. P. Wood be said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord moved to amend by substituting for Messrs. "Wood and Woodin," Messrs. "Tiemann and Weismann."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company,' passed April 3, 1872."

On motion of Mr. Baker, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Robertson	Winslow
Allen	Chatfield	Lowery	Tiemann	D. P. Woodin
Baker	Dickinson	McGowan	Wagner	J. Woodin
Benedict	Foster	Madden	Weismann	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to provide for rapid transit for passengers through the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend, extend and continue an act passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Johnson asked and obtained leave to introduce a bill entitled "An act to encourage steam towage upon the waters of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed April 23, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act entitled 'An act to provide for the purchase of a town house in the town of Meredith, county of Delaware,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the New York City Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to provide for the examination, trial and disposal of deaf and dumb persons accused of crime," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodin, from the committee on engrossed bills, reported that the bills are correctly engrossed, the bills entitled as follows:

"An act granting the consent of the State of New York to the purchase of land for the purpose of constructing a canal for the purpose of connecting the city of New York with the city of Albany."

the United States, of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same."

An act to authorize the common council of the city of Utica, to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same."

An act supplementary to and amendatory of an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872."

An act to amend an act entitled 'An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company,' passed April 3, 1872."

Mr. Winslow, from the select committee of nine, reported the following entitled bills complete:

Assembly, "An act to authorize the common council of the city of Brooklyn to open and improve Sanford street from Myrtle avenue to Irving avenue."

An act to lay out, open, construct, and keep in repair Flatbush avenue in the county of Kings." [With amendments.]

An act in relation to the execution of conveyances by married women."

An act to incorporate the American Improvement Company." [With amendments.]

An act to authorize the appointment of assistant district attorneys in certain counties in this State." [With amendments.]

An act to amend an act entitled 'An act to amend and consolidate several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871." [With amendments.]

An act to define section 5 of chapter 583 of Laws of 1871 relating to the entry of judgments." [With amendments.]

An act for the preservation of fish in the waters of Steele's creek and Bowman's creek, in the county of Herkimer." [With amendments.]

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

Resolved, That said bills be engrossed for a third reading.

Mr. Lord offered the following:

Resolved, That the two letters written by Hon. Samuel Ames, and forwarded by the Clerk during the discussion of Senator Wood's case, be printed on the journal of the Senate to accompany the report of the committee of investigation.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Auburn City Hospital," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

D. P. Wood moved that the bill entitled "An act making appropriation for the support of government," be made the special order for tomorrow morning, immediately after the reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all senators present voting in favor thereof.

Adams offered the following:

Resolved, That the Senate has heard, with deep sorrow, of the death

of Hon. Erastus Corning, formerly a member of this body, three member of Congress, for nearly forty years a Regent of the University, at one time chancellor of that board, and a citizen of eminent character and repute.

*Resolved*, That, in respect to his memory, the Senate will attend his funeral in a body.

The President put the question whether the Senate would concur in said resolution, and it was decided in the affirmative.

The bill entitled "An act supplementary to, and amendatory of an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weisman
Baker	Foster	Lord	Perry	Winslow
Benedict	Graham	Lowery	Robertson	D. P. Wood
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield	Johnson	O'Brien	Wagner	

*Ordered*, That the Clerk deliver said bill to the Assembly, and inform thereof their concurrence therein.

The hour of twelve o'clock having arrived, the President announced an executive session, and after some time spent therein, the doors were opened, and the Senate resumed the consideration of legislative business.

Mr. Winslow moved to take from the table the motion to reconsider the vote by which the bill entitled "An act relative to the laying out and opening of Madison avenue north of 120th street, in the city of New York," was lost.

The President put the question whether the Senate would agree to reconsider the motion to take from the table, and it was decided in the affirmative.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Wagner
Allen	Cock	Lewis	O'Brien	Weisman
Baker	Dickinson	Lord	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham			

The President then put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Palmer	Winslow
Baker	Cock	Lewis	Robertson	D. P. Wood
Benedict	Dickinson	Lowery	Tiemann	J. Wood
Bowen	Graham	O'Brien	Wagner	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage thereof.

The bill entitled "An act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same," which was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

ams	Cock	Johnson	Perry	Weismann
en	Robertson	Lewis	Robertson	Winslow
er	Foster	Madden	Tiemann	D. P. Wood
wen	Graham	Palmer	Wagner	Woodin
utfield	Harrower			

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the city of Albany to purchase a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city," which was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative; a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

ams	Bowen	Foster	Palmer	Weismann
en	Chatfield	Johnson	Robertson	Winslow
er	Cock	Lewis	Tiemann	D. P. Wood
edict	Dickinson	Lord	Wagner	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the common council of the city of Utica, to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

ams	Chatfield	Johnson	Palmer	Winslow
en	Cock	Lord	Robertson	D. P. Wood
er	Dickinson	McGowan	Wagner	Woodin
edict	Foster	O'Brien	Weismann	

FOR THE NEGATIVE.

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled, "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1841, extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac Brokaw, for the term of fourteen years from the 5th day of April 1858," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lord	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	Woodin
Chatfield				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the devisees of the heirs at law of Louis Planer and Josephine Planer, deceased," was passed a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	Weismann
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Foster	O'Brien	Tiemann	J. Wood
Bowen	Harrower	Palmer	Wagner	Woodin
Chatfield	Lewis			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. McGowan offered the following :

*Resolved*, That Senate bill No. 253, entitled "An act to authorize the formation, establishing, and maintaining of driving parks, park and cultural associations," be recommitted to the committee on agriculture for the purpose of amendment.

The President put the question whether the Senate would agree to the resolution, and it was decided in the affirmative.

Mr. Murphy moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn" was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Weismann
Allen	Dickinson	McGowan	Perry	D. P. Wood
Baker	Foster	Madden	Robertson	J. Wood
Bowen	Graham	Murphy	Wagner	Woodin
Chatfield	Harrower			

## FOR THE NEGATIVE.

Benedict	Tiemann
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Mr. Benedict moved that the bill be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to the motion, and it was decided in the negative.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Ames	Cock	Lord	O'Brien	Weismann	
Angell	Dickinson	Lowery	Perry	D. P. Wood	
Baker	Foster	McGowan	Robertson	J. Wood	
Bayard	Graham	Madden	Wagner	Woodin	
Field	Lewis	Murphy			28

FOR THE NEGATIVE.

Benedict	Tiemann				9
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson offered the following:

Resolved, That Senator McGowan be, and he is hereby appointed a member of the committee on congressional apportionment in place of Senator Ames, who is detained at home by sickness.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Baker offered the following:

Resolved, That the Senate hold a session this evening at half past seven o'clock for the consideration of general orders.

Mr. Bowen moved to amend by adding, "and that no bills be taken up except such as cannot be considered by the select committee of nine."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Winslow offered the following:

Resolved, That the Auditor of the Canal Department be, and he hereby requested to report to this Senate, within ten days after the passage of this resolution, a full and complete statement of all fees and claims of counsel, stenographers, engineers, experts or persons employed on behalf of the State in the matter of defending the claims for damages suffered by reason of the breaking away of the North Lake Reservoir in 1868, together with the names of any and all counsel, stenographers, engineers, experts or persons employed on behalf of the State in each case, with the amount of fees paid or claimed in each case, and by each person; and stating in detail all claims paid or presented for witnesses fees and traveling incurred, relating to said Black river water claims.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Johnson moved that the bill entitled "An act to regulate railroad freight in the State of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bill entitled as follows :

"An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York ; and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester."

After some time spent therein, the President resumed the chair. Mr. Robertson, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

On motion of Mr. Murphy, the Senate took a recess until half seven o'clock, P. M.

### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

On motion of Mr. D. P. Wood, the Assembly bill entitled "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," was ordered to be considered in the committee of the whole.

By unanimous consent, Mr. McGowan, from the committee on agriculture, to which was recommitted the Assembly bill entitled "An act to authorize the formation, establishing, and maintaining of driving park and agricultural associations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

Assembly, "An act authorizing the construction of bridge across the Hudson river at the city of Albany, and incorporating the Albany Greenbush Bridge Company."

Assembly, "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation."

"An act to regulate railroad freight in the State of New York."

After some time spent therein, the President resumed the chair. Mr. Bowen, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered to a third reading.

Mr. Bowen, from the same committee, reported that they have had the last named bill under consideration, have stricken out the enacting clause, and ordered their chairman to report the same to the Senate.

Mr. Woodin moved that the bill be recommitted to the committee on railroads, with instructions to amend as follows :

Add, at the end of section 1, the following : "And no railroad company shall charge, receive or collect any greater sum for transportation of freight over the entire line of their road than that now fixed by the tariff sheet of 1872."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Adams  
Bowen  
Dickinson

Johnson  
Lewis

Lord  
Lowery

McGowan  
Tiemann

D. P. Wood  
Woodin

FOR THE NEGATIVE.

er dict tfield	Cock Foster Madden	Murphy O'Brien Palmer	Perry Robertson Wagner	Weismann Winslow J. Wood	15
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Mr. Woodin moved to recommit said bill to the committee on rail-  
roads, with instructions to amend as follows :  
Add, as section 3, the following :

§ 3. Nothing in this act contained shall be so construed as to pre-  
vent any railroad company in this State from entering into arrangements  
with railroad companies of other States for pro rating for the transporta-  
tion of freight shipped from other States for transit over any of the  
roads of this State."

The President put the question whether the Senate would agree to said  
motion, and it was decided in the negative, as follows ;

FOR THE AFFIRMATIVE.

ms ven kinson	Johnson Lewis Lord	Lowery McGowan	Tiemann Winslow	D. P. Wood Woodin	12
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FOR THE NEGATIVE.

er dict tfield	Cock Foster Harrower	Madden Murphy O'Brien	Palmer Perry Robertson	Wagner Weismann J. Wood	15
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Mr. Johnson moved that the enacting clause be restored, and the bill  
be ordered to a third reading.

The President put the question whether the Senate would agree to  
said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

ms kinson	Johnson Lord	Lowery McGowan	Robertson Tiemann	D. P. Wood Woodin	10
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FOR THE NEGATIVE.

er dict en field	Cock Foster Harrower Lewis	Madden Murphy O'Brien	Palmer Perry Wagner	Weismann Winslow J. Wood	17
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The President then put the question whether the Senate would agree  
to the report of the committee of the whole, and it was decided in the  
affirmative, as follows :

FOR THE AFFIRMATIVE.

r dict en field	Cock <del>Foster</del> Harrower Lewis	Madden Murphy O'Brien	Palmer Perry Wagner	Weismann Winslow J. Wood	17
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FOR THE NEGATIVE.

ms inson	Johnson Lord	Lowery McGowan	Robertson Tiemann	D. P. Wood Woodin	10
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Mr. Madden moved that the bill entitled "An act to provide for fur-  
nishing two statues of eminent deceased citizens of this State to be placed  
in the capitol at Washington, in compliance with the invitation of the  
President of the United States," be made a special order for to-morrow  
morning.



and the bill entitled "An act to amend an act entitled 'An act in relation to the Croton aqueduct of the city of New York,' passed April 10," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Adams, from the committee on banks, to which was referred the Assembly bill entitled "An act to change the name of the Sixth ward savings bank of the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows:

"An act making appropriations for the payment of the principal and interest on the canal debt, commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution."

After some time spent therein, the President resumed the chair, and Mr. Hatfield, from said committee, reported progress on said named bill and asked and obtained leave to sit again.

On the motion of Mr. Madden, the Senate adjourned.

## THURSDAY, APRIL 11, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Sprecher.

The journal of yesterday was read and approved.

Tiemann presented a petition of the Foundling Asylum of the City of Charity, for an act amending charter of institution; which was read and referred to the committee on charitable and religious societies.

Tiemann presented a petition of owners of property on Second Avenue, New York city, in favor of an elevated railroad in said avenue; which was read and referred to the committee on railroads.

Robertson presented a remonstrance of citizens of White Plains against amending charter of said village; which was read and referred to the committee on the affairs of villages.

Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village of West Troy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the improvement of the highways extending from Lansing street, Genesee and Caroline avenue, in the village of West Troy, to the Loudon in the town of Watervliet (highways lying in part in the town of Watervliet and in part in the village of West Troy), and to authorize the board of supervisors in the county of Albany to assess the expense thereof upon the said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the



village and town of Saratoga Springs,' passed May 5, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to legalize the election of trustees and other corporation officers of the village of Monticello," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to incorporate the village of Monticello in the county of Steuben,' passed June 20, 1851, and the act amended thereof, passed April 26, 1865," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect the village from the effects of high water, and to raise money to pay the same, also to amend chapter 731 of Laws of 1865 in relation thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the Nyack Paper Works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the construction of gas-works, and the manufacture and sale of gas for the purpose of lighting the village of Port Jervis, Orange County, and the streets, avenues and buildings therein, and to lay pipes for that purpose," reported adversely thereto, which report was agreed to.

Mr. D. P. Wood, from the committee on engrossed bills, reported correctly engrossed the bills entitled as follows:

"An act to lay out, open, construct and keep in repair Flatbush street in the county of Kings."

"An act to define section 5 of chapter 583 of Laws of 1871, relating to the entry of judgments."

"An act for the preservation of fish in the waters of Steele's creek and McGowan's creek, in the county of Herkimer."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

An act to authorize the appointment of assistant district attorneys in certain counties in this State."

An act in relation to the execution of conveyances by married women."

Also, as correctly re-engrossed the following entitled bills:

An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the construction and repair of roads and bridges in said town, and to legalize and confirm the action of the last named town meeting in relation to raising moneys for said purpose."

An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866, and of the amendment thereto, passed May 14, 1867."

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges to which was referred the Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from a majority of the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same, over the Hudson river from some point on Van Hook's island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to incorporate the Orient Steam Navigation Company," passed June 28, 1851, passed March 17, 1860,"' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act relative to the Hudson Suspension Bridge and New England Railway Company, and authorizing the extension of its road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize the Champlain and Port Chester Railway Company to cross such arms of the bay, inlets, or navigable streams as may be found necessary to build a road, and to build draw-bridges over the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to

which was referred the Assembly bill entitled "An act relating to the streets, avenues, wharves, piers, and bulk-heads of the village of Point, in the county of Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to regulate the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the select committee of nine, reported the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for services,' passed April 3, 1849, passed February 2, 1871."

Assembly, "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the Erie canal, the second ward, and other wards of said city."

"An act to amend section 2 of chapter 9, of Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims of the city and county,' passed January 30, 1872."

Assembly, "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

Assembly, "An act to compel the commissioners appointed to build a town hall in the town of New Rochelle under chapter 88 of the Laws of 1868, and all acts amendatory thereof, to account."

Assembly, "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864."

Assembly, "An act to enable Mary Conlan to take and receive her real estate, and to release to her the interest and title in lands escheated to the State."

Assembly, "An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Vernon, town of East Chester, county of Westchester,' passed April 20, 1871."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for the streets in the towns of Kings county,' passed May 7, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the reimbursement of certain moneys paid to the commissioners of Mamaroneck and Westchester county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was

Assembly bill entitled "An act to erect an armory at Greenpoint, nineteenth ward, in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole. Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to encourage the organization of town agricultural societies,' passed April 14, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the bill entitled "An act to encourage steam towage upon the canals of this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," with power to report complete, reported that they have had the same under consideration, and made some amendments thereto, and have amended the title so as to read as follows: "An act to create a department of city works in the city of Brooklyn, and to supersede and abolish the permanent board of water and sewerage commissioners and the office of street commissioner in said city," which report was agreed to, and said bill ordered to a third reading. On motion of Mr. Perry, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and one-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ma	Bowen	Harrower	Perry	• Weismann	
n	Chatfield	Lewis	Robertson	Winslow	
er	Dickinson	Lowery	Wagner	Woodin	
dict	Graham	McGowan			18

FOR THE NEGATIVE.

x	Johnson	Murphy	O'Brien	Tiemann	5
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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the bill, with amendments.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish a department of police and health in and for the city of Brooklyn," with power to report complete, reported that they have had the same under consideration, and made some amendments thereto, and have amended the title so as to read as follows: "An act to amend an act entitled 'An act to establish a police department in and for the city of Brooklyn, and to define its powers and duties,' passed April 5, 1870, and the acts amendatory thereof, passed March 28, 1871," which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Perry, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the same, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Weismann
Allen	Dickinson	Lewis	Palmer	Winslow
Baker	Foster	Lowery	Perry	D. P. Wood
Benedict	Graham	McGowan	Robertson	Woodhull
Bowen				

FOR THE NEGATIVE.

Cock	Lord	Murphy	O'Brien	Tieman
Johnson				

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to regulate elections in the city of Brooklyn," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill was engrossed for a third reading.

Mr. Perry moved that said bill, as reported, be printed and placed in the files.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by legal process, the citizens who shall be entitled to the right of suffrage," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer moved that the bill be made the special order for the day next, April 18.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 7 of the Laws of 1870, and chapter 536, of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, as they relate to the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of government," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including providing for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,'" reported in favor of the passage of the same.

assage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for the support of the government."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. D. P. Wood moved that the bill be made the special order for tomorrow, immediately after the reading of the journal, and that the same be reprinted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the senators present voting in favor thereof.

Mr. J. Wood, from a majority of the committee on the judiciary, to which was recommitted the bill entitled "An act to amend an act relative to sheriffs' certificates upon the sale of real estate, passed March 2, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the auditing of accounts by the boards of supervisors in the several counties in this State, and the payment thereof by the county treasurer," reported that they have had the same under consideration, and have made some amendments thereto, and have amended the title so as to read as follows: "An act regulating the payment of accounts, by county treasurers, audited by the boards of supervisors in the several counties of this State," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings, which shall be used as an industrial exhibition,' passed April 21, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to amend chapter 150 of the laws of 1837, authorizing the loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



"An act to provide for the building of iron bridges across mung river, in the city of Elmira, and bonding said city to expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act authorizing the formation of a separate road district town of Jay, county of Essex," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to create a board of supervisors for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act for the further extension of Prospect Park, in the city of Brooklyn,' passed April 24, 1864, and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize and provide for the election of trustees of the Hollow Cemetery at Tarrytown, and to confirm their official acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious affairs.

"An act to amend an act entitled 'An act to amend article 4, of chapter 11, of part 1, of the Revised Statutes 'of division 1, of the laws of 1860, relating to fences,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete Douglass street in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the common council of the city of Syracuse to raise money for the purchase of a steam fire engine and apparatus, and to erect a building for the use of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act passed April 24, 1865, entitled 'An act to improve part of the city of New York between 110th and 120th streets, and the Harlem river,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to enable the electors of the town of Esopus to vote for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to improve the navigation of the Baldwinsville canal,"

read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 15, 1859, relative to the Seventh ward in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

An act to legalize the acts and proceedings of William Seymour, a peace officer of the town of Greig, county of Lewis," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to amend an act entitled 'An act in relation to the village of Tonawanda, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties,' passed April 1872."

On the motion of Mr. Johnson, and by unanimous consent, the said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Chaffield	Harrower	Lowery	Wagner
Cock	Johnson	Madden	Weismann
Dickinson	Lewis	Robertson	J. Wood
Foster	Lord	Tiemann	Woodin
Graham			

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Resolved, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the

A message from the Assembly was received and read, as follows:

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to amend an act entitled 'An act to establish the department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," report that they have met and deliberated thereon, and recommend as follows:

That the Senate concur in the following amendments of the Assembly said entitled bill, to wit:

Section 2, line 6, after the word "police" insert the words "one of whom he shall designate as acting commissioner, and the other as treasurer of the board of police."

Section 7, line 4, insert the word "acting" before the word "commissioner." Same section, line 5, strike out the words "who shall not be treasurer." Same section, after the word "act" in line 6, strike out all down to and including the word "board" in line 10."

That the Assembly recede from the following amendments by the Assembly to the said entitled bill, to wit:

Section 8, line 5, strike out the word "keep." Line 7, after the word "and" insert the words "with the city treasurer." Same section, after the word "him" in line 8, strike out all down to and including the word "and" in line 11. Same section, lines 18 and 19, strike out all after the word "payments" down to and including the word "banks" in line 20. Same section, lines 28 and 29, strike out the words "one hundred

and." Same section, lines 37 and 38, strike out the words "in banks as the said board shall direct," and insert in lieu thereof the "with the city treasurer."

Section 11, strike out all after the word "follows," in line 2, do and including the word "duty," in line 16, and insert in lieu thereof following :

"§ 38. The commissioners of police shall receive an annual salary as follows: The mayor, as ex officio commissioner, the sum of five hundred dollars; the other two commissioners fifteen hundred dollars each; the superintendent of police shall receive an annual salary of twenty-five hundred dollars; the clerk of police an annual salary of fifteen hundred dollars; each captain of police shall receive an annual salary of eleven hundred dollars; each sergeant of police an annual salary of nine hundred and fifty dollars; each doorman shall receive an annual salary of eight hundred dollars, and each patrolman shall receive an annual salary of seven hundred dollars, with the additional salary hereinbefore provided for detailed to do detective duty; the surgeon of the police shall receive an annual salary not exceeding one thousand dollars; for any captain, police, sergeant, patrolman and doorman within the said police department the board of commissioners may fix the salaries at a less sum, at their discretion. All of said salaries shall be paid monthly to each person entitled thereto in modes to be prescribed by the rules and regulations of the board, subject to such deductions each month from the salaries as the pay of members of said police force as the treasurer shall make, and the treasurer is hereby authorized to make and retain in the fund, to satisfy any claim imposed on any member of said force, by way of discipline or punishment, and as prescribed by the rules and regulations of said board."

L. L. LEWIS,  
GEO. BOWEN,  
TOWNSEND D. COCK,  
*Com. on part of Senate.*

F. A. ALBERGER,  
GEO. BALTZ,  
ARCH. KENNEDY,  
J. M. WILEY,  
*Com. on part of Assembly.*

IN ASSEMBLY, April 10, 1901.

Report of committee of conference agreed to.

By order.

C. S. UNDERWOOD, Clerk.

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Allen	Dickinson	Lewis	Tiemann	D. P. Wood
Baker	Foster	Lowery	Wagner	J. Wood
Benedict	Graham	McGowan	Weismann	Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

The Assembly returned the bill entitled "An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly known as the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or

or imprisonment on any civil process in any civil action issuing in any court of law, or on any execution issuing on any judgment rendered or to be rendered in such action, in every case in which the action arose since January 1, 1871, and existed at the time of the passage of this act," with a message that they had concurred in the passage of the same, with the following amendments:

At the end of the last line of section 4, after the word "action," strike the words "now existing against said Hoffman," and insert in lieu of the words "which arose since January 1, 1871."

President put the question whether the Senate would agree to the amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	Lord	Robertson	Winslow
Dickinson	Lowery	Tiemann	D. P. Wood
Foster	McGowan	Wagner	J. Wood
Graham	Madden	Weismann	Woodin
Harrower	Perry		

28

Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

President announced Messrs. D. P. Wood, Lowery, and Lord as a committee of conference on the Assembly bill entitled as follows:

An act to amend chapter 12 of the Laws of 1872, entitled 'An act relating to the officers and employees that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, providing for the payment of the expenses thereof.' "

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies.' "

An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870."

An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867."

An act for the relief of the inhabitants of Union School District No. 1 of the town of Moreau, in the county of Saratoga."

An act to incorporate the Soldiers' Monument Society of Niagara County."

An act to incorporate the Ulster General Hospital."

An act to repeal so much of chapter 640, Laws of 1870, as relate to President lands in the county of Franklin."

Ordered, That the Clerk return said bills to the Assembly.

The Assembly returned the resolution relative to the use of flags of our regiments from the military bureau by the posts of the Grand Army of the Republic of the city of Albany, with a message that they concurred in the passage thereof.

Mr. Baker offered the following:

Resolved, That Assembly bill No. 860 entitled "An act to authorize the town of Kingsbury, in the county of Washington, to issue bonds to the necessary means to rebuild a court-house in said town," be

tees on internal affairs for further hearing and orders.

question whether the Senate would agree to the bill in the affirmative.

Assembly was received and read, as follows:

Resolution of the Senate and Assembly, Assembly bill entitled "An act in relation to the incorporation of railroads."

passage of the said bill having been reported by the committee on internal affairs, by B. Hill, and by unanimous consent, the same was passed.

1. The words "and all the provisions of the act passed April 2, 1850, shall apply to the original route."

and ordered sent to the Senate for concurrence.

question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative.

#### 2. THE AFFIRMATIVE.

Lord	Robertson	D. P. Wood
McGowan	Tiemann	J. Wood
Madden	Weismann	Woodin
Perry	Winslow	

question whether the Senate would agree to the bill in the affirmative, and it was decided in the affirmative, a majority of the Senate voting in favor thereof, and the bill was passed, as follows:

#### 3. THE AFFIRMATIVE.

Lewis	Perry	Weismann
Lowery	Robertson	D. P. Wood
McGowan	Tiemann	J. Wood
Madden	Wagner	Woodin

return said bill to the Assembly, with a message that the Senate have concurred in their amendment. The bill entitled "An act revising, amending and supplementing the several acts relating to, the incorporation of railroads, modifying the powers and duties of its officers," with a message that the same be amended with the following amendments:

1. In line 1, strike out the word "the" first occurrence.

2. In line 2, strike out the word "in" and insert the word "of."

3. In line 4, after the word "therefor" insert the words "in the direction of said trustees."

4. In line 5, after the word "of" insert the word "the."

5. In line 7, strike out the words "give name" and insert the word "name."

line 8, same subdivision, strike out the words "numbers to" and insert in lieu thereof the words "to severally number."

subdivision 19, same section, line 2, strike out the words "public rest requires it" and insert in lieu thereof the words "same may be proper and necessary."

section 33, line 5, after the word "assessments" insert the words "or taxes."

section 41, line 11, after the word "upon" insert the words "warranted by," and strike out all after the word "and" in same line down to and including the word "warrants" in line 12.

section 42, line 10, insert the words "any taxable inhabitant" in lieu of the words "the taxable inhabitants."

section 46, line 6, after the word "filed" insert the words "and recorded."

section 51, line 6, after the word "dollars" insert the words "to be determined by the county judge, and chargeable to the estate of said decedent."

section 58, line 4, after the word "name" insert the words "of said decedent."

The President put the question whether the Senate would agree to the amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	Lord	Perry	Weismann
Dickinson	Lowery	Robertson	Winslow
Graham	McGowan	Tiemann	J. Wood
Lewis	Madden	Wagner	Woodlin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence a resolution in the words following: *Resolved* (if the Senate concur), That twenty copies of the annual report of the Transactions of the American Institute of the city of New York, for the year 1871, be printed for each member, officer and reporter of the Legislature, 1,500 copies for the use of said institute, twenty copies for each county agricultural society in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly, ten copies for each town or union agricultural society, and fifty copies for the Regents of the University, and that the said report be bound in the same manner as last year and distributed as designated without delay.

*Ordered*, That said resolution be referred to the committee on public printing.

Also, the following:

*Resolved* (if the Senate concur), That there be printed of the Transactions of each of the medical societies of this State, viz.: The New York State Medical Society, and the Homœopathic State Medical Society, the Eclectic State Medical Society, ten copies for each member, officer and reporter of the Legislature; also, 5,000 copies of the Transactions of the New York State Medical Society of 1871 for the use of said society, and 2,000 copies of the Transactions of the Homœopathic State Medical Society of 1871 for the use of said Homœopathic State Medical Society, and 2,000 copies of the Transactions of the Eclectic State Medical Society of 1871 for the use of said Eclectic Medical Society.



**Ordered,** That said resolution be referred to the committee printing.

Also, the following :

**Resolved** (if the Senate concur), That twenty copies of the actions of the New York State Agricultural Society, for the year 1871, be printed for each member, officer and reporter of the Legislature, 1,500 copies for the use of the society, twenty copies for the Agricultural Society in each county electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly, fifteen copies for each town and union agricultural society, 420 copies for the American Institute in the city of New York, and 420 copies for the Regents of the University, and that the said copies be bound in the same manner as last year and distributed, as aforesaid, without delay.

**Ordered,** That said resolution be referred to the committee printing.

The committee of conference appointed by the Senate and Assembly upon the matter of difference between the two Houses upon the bill entitled "An act to amend chapter 721 of the Laws of 1871," "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April 26, 1871, to repeal section 27 of said act, report that they have met and conferred thereon, and recommend that the following be adopted as a substitute for the said bill :

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section 1 of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April twenty-six, eighteen hundred and one," is hereby amended so as to read as follows :

§ 1. No person or persons shall pursue or cause to be killed any moose, elk, cariboo or wild deer, in any part or place within the State, except in the months of September and October, and in the first ten days of the month of November in any year ; but it shall not be lawful during any season of the year to pursue deer with dogs in the county of Albany. Any person violating the provisions of this section, by pursuing or killing any moose, elk, cariboo or wild deer with dogs or ensnaring or entrapping any moose, elk, cariboo or wild deer, or by killing any of said animals contrary to the provisions herein contained, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of fifty dollars, or be imprisoned in the county jail for a term not exceeding three months, or both, at the discretion of the court, for each and every offense. The possession by any person of a carcass or green hide of any such animal, except during the time herein provided for killing the same, shall be deemed prima facie evidence that the same was killed in whose possession such carcass or green hide is found killed, and to which said carcass or green hide belonged ; and it shall be unlawful to sell, transport or carry the carcass and hide, or carcass alone, or green hide, of any moose, elk, cariboo or wild deer, except during the time or time herein specified in which such animals may be killed. Any person, owner or owners, or corporations owning or running any line of steamboats or railroads, and the owner or owners of any privilege or conveyance upon which any carcass or green hide of such animals is found or conveyed, shall be subject to a penalty of fifty dollars for each and every offense.

§ 2. Section twenty-one of said act is hereby amended so as to read as follows:

§ 21. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any salmon-trout or lake trout, during the months of October, November, December, January and February, under a penalty of ten dollars for each fish, except that in Otsego lake fish may be caught or killed by hook and line only, but they may be had for artificial propagation or the stocking of other waters.

§ 3. Nothing in this act contained shall in any manner affect or apply to the waters of the river St. Lawrence, the lakes in Jefferson county, the waters of lake Ontario, except Irondequoit bay.

§ 4. Section fifth of said act is hereby repealed, except as it applies to that portion of the Great South bay, in the county of Suffolk, lying between Smith's Point and Quogue, and to the bays lying upon the southern portion of the county of Queens.

§ 5. Section six of said act is hereby amended so as to read as follows:

§ 6. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any woodcock, between February first and July third under a penalty of fifty dollars for each bird.

§ 6. The twenty-seventh section of said act is hereby repealed.

§ 7. Section twenty-eight of said act is hereby amended so as to read as follows:

§ 28. No person shall at any time take any fish with a net, spear or trap of any kind, or set any trap, net, weir or pot with intent to catch fish in any of the fresh waters or canals in this State, except as hereinbefore or hereinafter provided; nor shall it be lawful at any time to draw any seine or net for the taking of fish in any portion of Flushing bay or its branches, nor in Lakes Canandaigua, Cayuga, Champlain, Great Oyster bay, in the county of Wayne, or the inlets thereof; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of twenty-five dollars for each offense; but suckers, catfish, bull-heads, bony fish or moss-bunkers, alewife, white-fish, shad, herring and minnows, are exempted from the operation of this section, also pike, in all waters save those lying in Columbia county and Cayuga lake; provided, however, that nothing in this section shall be so construed as to legalize the use of gill-nets in any of the inland waters or canals in this State; nor seines or nets of any kind in the waters of Otsego lake, except from the first day of March to the last day of August, and no gill-nets except during the months of July and August.

And no such seine or net shall have meshes less than two inches in size, and in the Hudson river, the meshes of all gill-nets and set-nets shall not be less than four and one-half inches in size each, and those of fykes set in any of the waters surrounding Long Island, Fire Island, Staten Island and the bays and salt water, estuaries and rivers approaching thereto, to be not less than four and one-half inches in size; and any person who shall willfully injure or destroy, by grappling or otherwise, any nets used in the Hudson or East rivers for the purpose of catching shad, shall be liable to a penalty of twenty-five dollars for each offense, and in default of payment thereof, shall be imprisoned in the county jail of the county within whose jurisdiction the offense may be committed, for not more than thirty days. All drawing of seines in the Susquehanna river is prohibited.

§ 8. The thirteenth section of said act is hereby repealed.

§ 9. No person shall catch, with a hook and line or otherwise, any pickerel, perch or bass from the Goodhue or Cranberry lakes, situated in the towns of Addison and Thurston, county of Steuben, from the first day of December to the twentieth day of May of each year, under a penalty of ten dollars for each fish so taken or had in possession, the penalty to be recovered as already provided for in chapter seven hundred and twenty-one of Laws of eighteen hundred and seventy-one.

§ 10. This act shall take effect immediately.

T. I. CHATFIELD,  
G. T. HARROWER,  
TOWNSEND D. COCK,  
*Senate Committee.*

E. HOLDRIDGE,  
W. W. ENOS,  
JOHN S. MARCY,  
GEO. M. SWAIN,  
TIMOTHY J. CAMPBELL,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Robertson	Winslow	
Benedict	Foster	Lord	Tiemann	D. P. Wood	
Chatfield	Graham	McGowan	Wagner	J. Wood	
Cock	Harrower	Perry	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have agreed to the report of the conference committee.

Mr. Lowery moved that the Senate hold an executive session at one o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord offered the following:

*Resolved,* That there be printed 1,500 copies of the report of the Managers of the Western House of Refuge for Juvenile Delinquents in paper covers for the use of the Legislature and the Managers.

*Ordered,* That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to make provision for the improvement of the several parks, squares, and places in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to establish a board of health in and for the city of Brooklyn and county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to authorize the rebuilding and repairing of

certain wharves and piers in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to incorporate the Merchants' Deposit and Loan Institution of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to provide for the sale of certain public property in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill, entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sanford street from Myrtle avenue to Flushing avenue," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Perry	Weismann
Baker	Dickinson	Lord	Robertson	Winslow
Benedict	Graham	Lowery	Tiemann	J. Wood
Bowen	Harrower	McGowan	Wagner	Woodin
Chatfield				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to lay out, open, construct, and keep in repair Flatbush avenue, in the county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Weismann
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	McGowan	Tiemann	J. Wood
Bowen	Lewis	Murphy	Wagner	Woodin
Chatfield				21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the execution of conveyances by married women," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Allen	Dickinson	Lord	Tiemann	D. P. Wood
Baker	Foster	Lowery	Wagner	J. Wood
Bowen	Harrower	McGowan	Weismann	Woodin
Chatfield				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to authorize the appointment of district attorneys in certain counties in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Weisma
Allen	Cock	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	J. Wood
Benedict	Graham	Lowery	Tiemann	Woodin
Bowen				

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to preserve and consolidate the several acts relating to the preservation of wild deer, birds and fish,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Weisma
Allen	Dickinson	Lord	Perry	Winslow
Baker	Foster	Lowery	Robertson	J. Wood
Bowen	Harrower	McGowan	Tiemann	Woodin
Chatfield	Johnson			

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to define section 5 of chapter 583 of 1871, relating to the entry of judgments," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Madden	Wagner
Allen	Dickinson	Lord	Perry	Weisma
Baker	Foster	Lowery	Robertson	Winslow
Bowen	Johnson	McGowan	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act for the preservation of fish in the w Steele's creek and McGowan's creek, in the county of Herkime read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Dickinson	Lewis	Madden	Wagner
Foster	Lord	Perry	Weismann
Harrower	Lowery	Robertson	J. Wood
Johnson	McGowan	Tiemann	Woodin

20

ordered, That the Clerk deliver said bill to the Assembly, and request concurrence therein.

The Assembly bill entitled "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Chatfield	Lewis	Perry	Winslow
Dickinson	Lowery	Robertson	J. Wood
Foster	McGowan	Weismann	Woodin
Harrower			

17

## FOR THE NEGATIVE.

Lord	Murphy	O'Brien	Tiemann
Madden			

7

ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating Albany and Greenbush Bridge Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Chatfield	Johnson	O'Brien	Weismann
Cock	Lowery	Perry	D. P. Wood
Dickinson	McGowan	Robertson	J. Wood
Harrower	Madden	Tiemann	Woodin

20

## FOR THE NEGATIVE.

1

ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Managers of the Western House of Refuge, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 1,000 copies of the report of the Managers of the Western House of Refuge for Juvenile Delinquents in paper form for the use of the managers.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lewis moved that the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the location and erection of public



buildings for the use of Erie county and the city of Buffalo, April 21, 1871, be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of the Senators present voting in favor thereof.

Mr. Madden moved that the Assembly bill entitled "An act extending the term of the town of Rochester, in the county of Ulster, from bonding and other purposes," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the Governor and Attorney-General in the city of New York," be considered in the first committee of the whole not full.

The President then put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of the Senators present voting in favor thereof.

Mr. Benedict moved that hereafter, until otherwise ordered, the regular sessions of the Senate terminate at two o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of 1 o'clock having arrived, the President resumed the chair, and announced the executive session.

Mr. Lord moved that the executive session be postponed until 1 o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of half past one o'clock having arrived,

The President resumed the chair, announced the executive session, and after some time spent therein the doors were opened, and the Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego."

Assembly, "An act to amend the act (chapter 778 of the Laws of 1871) reappropriating certain moneys for the construction of new locks, and extraordinary repairs of, the canals of this State."

Assembly, "An act making appropriations for the payment of principal and interest on the canal debt, commencing on the first of October, 1872, and to provide for the payment of the debt contained in section 12 of article 7 of the Constitution."

After some time spent therein the President resumed the chair. Mr. Allen, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Allen, from the same committee, reported progress on the la-  
 named bill, and asked and obtained leave to sit again.

Mr. Baker, from the committee on railroads, to which was referred  
 the bill entitled "An act to incorporate the United States and Canada  
 Bridge Company," reported in favor of the passage of the same, and  
 said bill was committed to the committee of the whole.

On motion of Mr. Cock, the Senate took a recess until half past seven  
 o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

Senate again met.

Mr. Robertson moved that the consideration of the bill entitled "A  
 act to incorporate the New York City Rapid Transit Company, and to  
 authorize the said company to construct and operate an underground  
 railway in the city of New York," be made a special order for to-morrow  
 evening at half past seven o'clock, and that a session of the Senate be  
 held at that time for that purpose.

The President then put the question whether the Senate would agree  
 to said motion, and it was decided in the affirmative, two-thirds of a  
 majority of the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and  
 proceeded to the consideration of the general orders, being the bill  
 entitled as follows:

Assembly, "An act exempting the town of Rochester, in the county of  
 Yates, from bonding for railroad purposes."

"An act to amend an act entitled 'An act in relation to the location  
 and erection of public buildings for the use of Erie county and the city  
 of Buffalo,' passed April 21, 1871."

Assembly, "An act to provide for the audit and payment of certain  
 claims and expenses incurred by the direction of the Governor and Atto-  
 rney-General in the city of New York."

After some time spent therein, the President resumed the chair, and  
 Mr. Bowen, from said committee, reported in favor of the passage of the  
 last named bill.

Mr. Winslow moved to disagree with the report of the committee, and  
 that the same be recommitted to the committee on railroads, with instruc-  
 tions to strike out the enacting clause.

The President put the question whether the Senate would agree to said  
 motion, and it was decided in the affirmative, as follows:

### FOR THE AFFIRMATIVE.

Albany	Chatfield	Graham	McGowan	Weismann
Allen	Dickinson	Harrower	Palmer	Winslow
Baker	Foster	Lowery	Wagner	J. Wood

### FOR THE NEGATIVE.

Benedict	Johnson	Madden	Robertson	D. P. Wood
Bowen	Lewis	O'Brien	Tiemann	Woodin
Cock	Lord	Perry		

Mr. D. P. Wood asked to be excused from voting.

The President put the question whether the Senate would agree to said  
 request, and it was decided in the negative.

Mr. D. P. Wood subsequently voted in the negative.

Mr. Perry moved to reconsider the vote by which said report was agreed to, and that said motion be laid on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Bowen, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill was engrossed for a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill was ordered to a third reading.

Mr. Winslow offered the following:

*Resolved*, That any member of the select committee of nine unable to be present at a meeting of the committee shall have the right to name a Senator to take his place for that meeting.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. O'Brien moved that the bill entitled "An act in relation to the judges and justices in the city and county of New York," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tiemann, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 15, 1859, relative to the Seventh avenue in the city of New York," and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to amend chapter 2 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Club of the city of New York,'" and said bill was committed to the committee of the whole.

Mr. Tiemann, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to amend an act passed April 24, 1865, entitled 'An act for the improvement of part of the city of New York between 110th street and Harlem river,'" and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to incorporate the Manhattan tile Association of New York," and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to amend an act to incorporate the city of Ogdensburgh, passed April 27, 1868," and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, reported in favor of the passage of the bill entitled "An act to amend an act to incorporate the city of Ogdensburgh, passed April 27, 1868," and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the following:

"An act to provide for furnishing two statues of eminent deceased

of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States."

After some time spent therein, the President resumed the chair, and Lewis, from said committee, reported progress on said named bill, asked leave to sit again.

Mr. D. P. Wood moved that the committee of the whole be discharged for further consideration of the subject, and that the same be postponed until the first Tuesday of January next.

Pending which,

on motion of Mr. Murphy, the Senate adjourned.

## FRIDAY, APRIL 12, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shinn.

The journal of yesterday was read and approved.

Mr. Lewis presented a petition of citizens of the village of Lancaster, Erie county, for amendment to the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Perry presented a petition of Caroline West for release to her of certain lands; which was read and referred to the committee on the judiciary.

Mr. Robertson presented a remonstrance of citizens of the village of the Plains against the passage of the act to amend the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Robertson presented a petition of citizens of Westchester for completion of Westchester avenue; which was read and referred to the committee on roads and bridges.

Mr. Chatfield presented a petition of citizens of Binghamton for a street horse railroad; which was read and referred to the committee on roads.

The President presented a communication from the Auditor of the State Department relative to fees and claims of counsel, stenographers, engineers, etc., employed by the State in defending the claims for damages suffered by reason of the breaking away of the North lake reservoir in 1868; which was laid on the table and ordered printed.

(See Doc. No. .)

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871."

An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the construction and repair of roads and bridges in said town, and to legalize and confirm the action of the last annual town meeting in relation to raising money for said purpose."

An act to amend an act entitled 'An act to supply the village of

Middletown with water for public and private purposes,' passed 1866, and of the amendment thereto, passed May 14, 1867."

"An act to discharge William Hoffman from the debtors' city of New York, commonly called the Ludlow street jail, and to charge him from arrest and imprisonment under the orders of virtue of which he is now imprisoned in said jail, and to exonerate any person from any existing or future arrest or imprisonment or process in any civil action issuing out of any court of law, or execution issuing on any judgment rendered or to be rendered in such action, in every case in which the cause of action arose prior to January 1, 1871, and existed at the time of the passage of this act."

"An act revising, amending and consolidating the charter of the village of Geneseo, in the county of Yates, and modifying the powers of the corporation and the duties of its officers."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the Assembly bill entitled as follows:

"An act making an appropriation for Sarah Wyatt, widow of John Wyatt."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the construction of iron bridges across the Chemung river in the city of Elmira, and to bonding said city to pay the expenses thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the construction and maintenance of a highway from north line of the township of Wood, in the county of St. Lawrence, into township No. 25 in the county of Warren," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act making further provision for the police department of the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Geographical Society of New York, reported in favor of the adoption of the following resolution:

*Resolved*, That 1,000 copies of the annual report of the Geographical Society of New York (presented to the Legislature in accordance to law) be printed on fine paper for the use of said society, and 500 copies for the use of the Senate and 500 for the use of the House of Representatives.

The President put the question whether the Senate would agree to the resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the managers of the Hudson River State Hospital for the Insane, reported in favor of the adoption of the following resolution:

*Resolved*, That 1,000 copies of the report of the Managers of the Hudson River State Hospital for the Insane be printed, with 500 for the use of the Legislature and 500 for the use of the n

the question whether the Senate would agree to be decided in the affirmative.

committee on public printing, to which was to print extra copies of the report of the State Charities, reported in favor of the adoption of

be printed, of the fifth annual report of the Board of Public Charities, 1,000 copies in paper covers, per, bound in muslin, for the use of the board, of the Senate.

question whether the Senate would agree to said decided in the affirmative.

select committee of nine, reported the following:

authorizing the election of a receiver of taxes and and village of Saratoga Springs."

legalize and confirm the official acts of Gaylord peace of the town of Bainbridge, in the county amendment.]

confirm the title of Francis Melvin to certain lyn."

the Utica, Ithaca and Elmira Railroad Company extend their road, and to confirm their purchase of a portion of the bed of the Lake Ontario, Auburn and New York railroad, and for purposes." [With amendments.]

assembly, "An act to establish a court of special sessions in and for city of Albany, and to confer further judicial powers upon the order of said city." [With amendments.]

An act to amend chapter 165 of the Laws of 1869, entitled 'An act authorize the selection and location of certain grounds for public parks, the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869; and also to authorize the city of Buffalo to issue bonds for laying out, improving and embellishing the same."

An act to incorporate the New York Loan and Improvement Building Company." [With amendments.]

An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and to provide for the expenses of the same." [With amendments.]

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

Ordered, That said bills be engrossed for a third reading.

Mr. Dickinson, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Manhattan Transportation Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the bill entitled "An act to authorize the construction of a draw



or swing-bridge over the Erie canal, in the city of Utica," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the bill entitled "An act to authorize the erection of a swing-bridge over the Erie canal in Syracuse," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act making appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs, and maintenance of the canals for the fiscal year commencing on the first of October, one thousand eight hundred and seventy-two," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the commissioners of Kingsbury, in the county of Washington, to issue bonds to raise the necessary money to rebuild the court-house in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend, as to the title, an act entitled 'An act to amend and consolidate the acts relating to the preservation of moose, wild deer, birds and animals,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent Mr. McGowan asked and obtained leave to introduce a bill entitled "An act concerning the Syracuse branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to provide for the filing of vacancies in the office of State Senator in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Graham asked and obtained leave to introduce a bill entitled "An act for the suppression of the trade in the circulation of, obscene literature, illustrations, advertisements, and the use of indecent or immoral use, and obscene advertisements of patent medicines and articles for producing abortion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the Yonker's Landing, in the village of Yonkers, in the county of Westchester," which

first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

'An act to amend section 2 of chapter 9, of Laws of 1872, entitled an act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872."

'An act to incorporate the American Improvement Company."

'An act to amend an act entitled 'An act in relation to the location of buildings for the use of Erie county and the city of Buffalo,' passed April 21, 1871."

'An act to amend an act entitled 'An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the river of Oswego."

The committee on railroads, to which was referred the bill to amend an act entitled 'An act to incorporate the Oswego Railway Company,' passed May 10, 1870," reported the passage of the same, and said bill was committed to the whole.

Then, Mr. Perry asked and obtained leave to introduce a bill extending the grounds or causes for, or upon which a *matrimonii* may be granted or decreed," which was read by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in certain real estate, of which William West died seized, situate at Long Island City, in the county of Queens, to Caroline West," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' passed April 14, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to establish a board of health in and for the city of Brooklyn and county of Kings," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson moved that the special order for this evening be deferred until Tuesday morning next, immediately after the reading of the journal. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood moved that when the Senate adjourn to-day it adjourn to meet to-morrow morning at eleven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of government."

And after some time spent therein, the hour of two o'clock arrived, the President resumed the chair, and declared the adjourned.

## SATURDAY, APRIL 13, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Snively.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on commerce and navigation, which was referred the Assembly bill entitled "An act to amend chapter 190 of the Laws of 1860, entitled 'An act extending to Oliver A. the right to establish and maintain a ferry across the Hudson river,' April 6, 1860," reported in favor of the passage of the same, and as was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, which was referred the Assembly bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or South Bay, in Suffolk county," reported in favor of the passage same, and said bill was committed to the committee of the whole.

Mr. Robertson presented a remonstrance of citizens of Morristown against widening Fordham avenue in said town; which was referred to the committee on roads and bridges.

Mr. Adams, from the select committee of nine, reported complete bills entitled as follows:

"An act to divide the ninth ward and to create a new ward of the city of Brooklyn." [With amendments.]

"An act to divide the twenty-first ward, and create a new ward of the city of Brooklyn." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to enable several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland pike runs, to macadamize and otherwise improve the public highways within their respective districts,' passed April 22, 1867."

"An act in relation to Fordham and Pelham avenues, in the town of West Farms and Westchester, in the county of Westchester."

"An act to incorporate the Safe Deposit and Trust Company of Buffalo." [With amendments.]

Assembly, "An act for the removal of bodies and remains of the dead from a certain burial ground connected with the Second Reformed Church of Bethlehem, to the Bethlehem Cemetery." [With amendments.]

"An act to regulate processions and parades in the cities of the State of New York." [With amendments.]

Assembly, "An act to change the name of the Sixth Ward Savings Bank of the city of Albany."

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870; amended April 25, 1871; amended January 12, 1872." [With amendments.]

"An act to amend an act entitled 'An act to incorporate the Young Men's Association,' passed April 20, 1835."

Assembly, "An act to incorporate the Mutual Trust Institution of the City of New York."

An act in relation to the clerks of the marine court of the city of New York."

Assembly, "An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing."

Assembly, "An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company."

Assembly, "An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Cocksackie, in the county of Greene, died seized, and authorizing his heirs-at-law to hold and convey the same."

Assembly, "An act to erect the village of Greenville into a separate town and district."

Assembly, "An act to amend the act entitled 'An act to provide for opening out and improving roads and avenues in the village and town of Katonah Springs,' passed May 5, 1870."

Assembly, "An act to legalize the election of trustees and other corporation officers of the village of Forta."

Assembly, "An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, in far as the same relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to."

"An act in relation to the defense of sheriffs." [With amendments.]

"An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870."

"An act in relation to certain lands in the twelfth ward of the city of New York belonging to the mayor, aldermen, and commonalty of said city." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

Assembly, "An act to authorize the town of Kingsbury, in the county of Washington, to issue bonds to raise the necessary money to rebuild the court-house in said town."

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent the furtive possession and use of slung-shot and other dangerous weapons,' passed April 20, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 345 of the Laws of 1868, entitled 'An act to amend section 6 of an act entitled 'An act for the publication of the Session Laws in two newspapers in each county of this State, passed May 14, 1845;' passed April 27, 1868," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was

referred the bill entitled "An act for the relief of J. Rowe Far" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which referred the Assembly bill entitled "An act to amend an act entitled act to amend article 4 of title 4 of chapter 11 of part 1 of the Revised Statutes of division and other fences," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which referred the Assembly bill entitled "An act to amend an act entitled act to amend article 2, title 5, chapter 6, part 3 of the Revised Statutes entitled "of executions against property," passed May 2, 1835," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to regulate the running of certain ferries between the city of New York and Brooklyn, and to establish rates of ferriage thereon," reported that they have had the bill under consideration, have made some amendments thereto, and amended the title so as to read as follows: "An act to regulate the running of certain ferries between the city of New York and that part of the city of Brooklyn lying between the navy yard and Bushwick creek, and to establish the rates of ferriage thereon," and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the relief of the Coney Island Brooklyn Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which referred the Assembly bill entitled "An act to provide for the adjustment of certain accounts of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which referred the Assembly bill entitled "An act to open and extend Eleventh street, in the city of Brooklyn, from its present termination to Third street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the erection of a town house in the town of Meredith, Delaware county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported incorrectly engrossed the bills entitled as follows:

"An act to authorize the Utica, Ithaca and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York railroad, and for other purposes."

"An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for the expenses of the same."

"An act to incorporate the New York Loan and Improvement Company."

an act to amend chapter 165 of the Laws of 1869, entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869; and also to authorize the city of Buffalo to issue bonds for laying out, improving, and embellishing the same."

The Assembly sent for concurrence the bills entitled as follows:

An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act for the extension of the Utica, Chenango and Cortland railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act to revise and amend an act entitled 'An act to construct a railroad from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex,' passed April 14, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

An act to amend 'An act authorizing the trustees of the village of Mount Morris to subscribe to capital stock of the Mount Morris Waterworks Company,' passed May 3, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and from thence to the Owasco," passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act to extend the time for the organization of the Mutual Fire Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

An act to extend and define the limits of the village of Hornellsville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

An act in relation to the Supreme Court library at Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building sidewalks in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



"An act in relation to the alteration of town boundaries in the town of Franklin," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State Prison in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Port Richmond Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to incorporate the Brooklyn City Safe Deposit Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to incorporate the Saint Canisius College," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to incorporate the Brighton Fire Engine Company No. 4,' passed April 19, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the town of Ogdensburgh,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the better education of minors employed in manufactories in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the drainage and improvement of a part of the valley of the Saw-mill river, in the town of Yonkers, and the laying out of streets and roads in the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to enable life insurance companies to restore impaired capital, and also to transfer their business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to release the interest of the people of the State of New York in the real estate of which William Lorillard Minerva, Essex county, died seized to Isaac Hagen," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

nann asked and obtained leave to introduce and establish the salaries and compensation of this State," which was read the first time, and was also read the second time, and passed.

nson asked and obtained leave to introduce an act entitled 'An act respecting the salaries of town officers,' passed April 5, 1842," and by unanimous consent was also read the first time, and referred to the committee on the judiciary.

Senate held an executive session at 1

whether the Senate would agree to said affirmative.

the bill entitled "An act to authorize the widening of the railroad tracks in Tenth street and other streets of New York," be recommitted to the

whether the Senate would agree to said affirmative.

the bill on the affairs of cities, reported by the committee on the affairs of cities, and by unanimous consent was also read the first time, and referred to the committee of the whole.

the bill on the affairs of cities, to which was referred the bill in relation to local improvements in the city of New York, for the purpose of the passage of the same, with amendments, and was referred to the committee of the whole.

the present order of business (the third

reading of bills) be laid upon the table.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Tiemann offered the following :

*Whereas*, It has been charged that gross frauds have been committed in the expenditure of money in the building of the ninth district court-house, and of the third district court-house in the city of New York ; be it therefore,

*Resolved*, That a committee, consisting of Senators Tiemann, Benedict, and Weismann, be appointed to examine into the matter of the alleged frauds, and report back to this body at its next session, with power to said committee to sit during recess, and to compel the attendance of witnesses and the production of papers and records, and that said committee have power to appoint a clerk, and to summon to their aid the sergeant-at-arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Lord offered the following :

*Whereas*, the Canal Board did, on the 14th day of February, 1872, adopt a preamble and resolutions complaining of the fact that the tolls collected in the canals of this State had decreased from an aggregate of \$4,418,309.50 in 1868 to \$2,814,953.79 in 1871, and suggesting an investigation by the Legislature into this decrease, which it was declared would involve onerous taxation upon the people of this State; and,

*Whereas*, The information that the canal tonnage of 1871 was consid-

erably in excess of 1868 was in possession of said board at proving that the reduction of tolls and no other cause could have diminished the aggregate of tolls collected;

*Resolved*, That the Canal Board be requested to inform the Senate the earliest practicable period, what facts have come into the possession of said board since February 14th which justify the recent adoption of the toll-sheet of 1871 with still further reductions.

*Ordered*, That said resolution be laid on the table.

The Assembly sent for concurrence the resolutions in the following:

*Resolved* (if the Senate concur), That section 8 of article 1 of the Constitution of this State be amended so as to read as follows:

§ 8. No moneys shall ever be paid out of the treasury of the State or any of its funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and any such law making a new appropriation, or continuing or revising an appropriation, shall distinctly specify the sum appropriated and to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by the corporate authorities of any county, city, town, village, or municipal organization, to, or in favor or aid of any institution or object, which is under ecclesiastical or sectarian management or control.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the date of such election.

Mr. D. P. Wood moved to refer said resolutions to the committee on finance.

The President put the question whether the Senate would concur in said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with amendments, that they had concurred in the amendments of the Senate thereon:

"An act for the appropriation of fifteen hundred dollars to construct a road across the Onondaga Indian reservation."

"An act to amend an act entitled 'An act to establish a police department in and for the city of Brooklyn, and to define its powers and duties,' passed April 5, 1870, and the act amendatory thereof, passed March 1871."

"An act to create a department of city works in the city of New York, and to supersede and abolish the permanent board of water supply and sewerage commissioners, and the office of street commissioner in said city."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with amendments, that they had concurred in the passage of the same:

"An act to lay out, open, and grade Bay Ridge avenue, in the city of New Utrecht, in the county of Kings."

"An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones."

"An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company."

an act to authorize the Second Avenue Railroad Company in the city of New York to extend their tracks and operate the same."

ordered, That the Clerk deliver said bills to the Governor.

Allen moved that when the Senate adjourn to-day it adjourn to Monday evening next at half past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of ...' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly entitled as follows:

An act making appropriations for the support of government."

After some time spent therein, the hour of one o'clock and forty minutes having arrived, the President resumed the chair and commenced the executive session.

Lowery moved that the executive session be postponed ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, when, the ten minutes having elapsed, the President again resumed the chair, the Senate went to executive session, and, after some time spent therein, the doors were closed, and the hour of two o'clock having arrived, the Senate adjourned.

## MONDAY, APRIL 15, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Schlesinger.

The Journal of Saturday was read and approved.

Woodin, from the committee on engrossed bills, reported as corrected the bills entitled as follows:

An act in relation to the clerks of the marine court of the city of New York.

An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870."

An act to amend an act entitled 'An act to incorporate the Troy Men's Association,' passed April 20, 1835."

An act in relation to the defense of sheriffs."

An act in relation to certain lands in the twelfth ward of the city of New York belonging to the mayor, aldermen, and commonalty of said city."

An act to regulate processions and parades in the cities of the State of New York."

"An act to divide the twenty-first ward and create a new ward in the city of Brooklyn."

"An act to divide the ninth ward and to create a new ward in the city of Brooklyn."

"An act to regulate elections in the city of Brooklyn."

On motion of Mr. D. P. Wood, and by unanimous consent,

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act making appropriations for the support of government."

After some time spent therein, the President resumed the session. Mr. Robertson, from said committee, reported in favor of the passage of said named bill, with amendments.

Mr. Murphy moved to amend the bill as follows :

Strike out lines 218 and 219, being the words as follows : "The office of the commissioners of public accounts is hereby abolished, to take effect on the first day of October, 1872," and insert in lieu thereof the following :

"For the senior commissioner of public accounts for compensation and traveling expenses, pursuant to chapter 3 of the Laws of 1862, one hundred dollars. The office of the other two commissioners, authorized by said chapter, is hereby abolished, to take effect on the first day of October, 1872."

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The report of the committee of the whole was then agreed to, and the bill ordered to a third reading.

The Assembly sent for concurrence the bills entitled as follows :

"An act to incorporate the Whitestone Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend an act entitled 'An act to amend and to amend the several acts in relation to the charter of the city of Buffalo,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the board of education of Union Free School District No. 9 of the town of Mount Pleasant to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act requiring the agents and wardens of the State prisons to keep a detailed account of the purchases and sales made by and as such agents and wardens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to empower the levying of a tax on Union School District No. 1 in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the use and management of said fund ; also, to create the office of commissioner for said district, and to provide for the exemption of

lot from taxes for the payment of teachers' wages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

An act authorizing the supervisor of the town of Johnsburgh, in the county of Warren, to sell and convey by deed a lot of land, known as the poor lot, in the aforesaid town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

An act in relation to the Sea Cliff Grove and Metropolitan Camp and Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

An act to amend an act entitled 'An act authorizing the board of education of the city and county of New York to establish a free academy in said city,' passed May 7, 1847, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

An act to widen part of Nevins street in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

An act to amend an act entitled 'An act to incorporate the city of Johnsburgh,' passed April 22, 1865, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following resolution: "*Resolved* (if the Assembly concur), That the Governor of the State is hereby authorized to appoint two commissioners to represent the State of New York in the International Congress on the prevention and suppression of crime, to be held in the city of London, on the 3d day of July, 1872," with a message that they had concurred in the passage of the same, with the following amendment:

And, at the end of said resolution, the words "and said commissioners shall act without any expense or future charge upon the treasury of this State."

The President put the question whether the Senate would agree to the amendment, and it was decided in the negative.

Mr. D. P. Wood moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message that the Senate have appointed a committee of conference thereon.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 29, 1865," with a message that they had concurred in the passage of the same, with the following amendments:

Section 3, line 1, after the word "fourteen," insert the words "of said



Section 5, line 1, after the words "twenty-three," insert the words "said act."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Robertson	Winslow
Allen	Foster	Murphy	Tiemann	D. P. V.
Baker	Johnson	Palmer	Wagner	J. Wood
Benedict	McGowan	Perry	Weismann	Wood
Cock				

The Assembly returned the bill entitled "An act to regulate compensation of the special county judge and special surrogate of Dutchess county," with a message that they had concurred in the passage of the same, with the following amendments :

In section 1, strike out the whole of line 1 down to and including the word "surrogate" in line 2, and insert in lieu thereof the words "special county judge and special surrogate."

In section 2, line 1, after the word "said," strike out the word "and."

In section 3, line 1, after the word "said," strike out the word "and."

Also, in line 3, same section, strike out the word "local."

Also, in line 5, same section, after the word "such," strike out the word "local."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Robertson	Winslow
Allen	Foster	Murphy	Tiemann	D. P. V.
Baker	Graham	Palmer	Wagner	J. Wood
Benedict	Johnson	Perry	Weismann	Wood
Cock				

The Assembly returned the bill entitled "An act concerning the Bay, Corning and New York Railroad Company, and providing for a change in its corporate name," with a message that they had concurred in the passage of the same, with the following amendment :

Add, at the end of section 2, the following :

"And further, that all petitions and proceedings for bond in the original name of said company may proceed and continue in said name and shall be as effectual for all purposes, and held by the company under its changed name the same as if it had not been changed."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Tiemann	D. P. V.
Allen	Foster	Palmer	Wagner	J. Wood
Baker	Johnson	Perry	Weismann	Wood
Benedict	McGowan	Robertson	Winslow	

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same :

"An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets there."

"An act relating to town officers and local government of New York in Queens county."

"An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter, Eliza, for and during her natural life."

"An act confirming certain proceedings of the common council of the city of Buffalo, and authorizing the issue of the bonds of said city for the purpose of aiding the people of the city of Chicago."

"An act in relation to the First Baptist Church and Society in Ogdensburg."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with messages that they had concurred in the amendments of the Senate thereto, respectively:

"An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company."

"An act relating to Sanford street and the Wallabout bridge road in the city of Brooklyn."

"An act to authorize the formation and maintaining of driving parks and park associations."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Palmer offered the following:

*Resolved*, That, during the remainder of this session, no Senator shall speak more than five minutes, and not more than twice upon the same question without unanimous consent.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Wagner offered the following:

*Resolved*, That Senate bill No. 379, being "An act to amend the charter of the village of Saratoga Springs," be referred back to the committee on the affairs of villages, retaining its place on general orders.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Amsterdam Water-works Company,' passed March 17, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Ames	Dickinson	Madden	Robertson	Winslow
Allen	Foster	Murphy	Tiemann	D. P. Wood
Becker	Johnson	Palmer	Wagner	J. Wood
Clark	McGowan	Perry	Weismann	Woodin

20



of the Laws of 1868, and all acts amendatory thereof, to account,"  
and a third time.

President put the question whether the Senate would agree to  
the passage of said bill, and it was decided in the affirmative, a  
majority of all the members elected to the Senate voting in favor thereof,  
three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	McGowan	Perry	Weismann	
Dickinson	Madden	Robertson	Winslow	
Foster	Murphy	Tiemann	J. Wood	
Johnson	Palmer	Wagner	Woodin	20

ordered, That the Clerk return said bill to the Assembly, with a mes-  
sage informing that the Senate have concurred in the passage of the

act to incorporate the American Improvement  
and time.

question whether the Senate would agree to  
the bill, and it was decided in the affirmative, a  
majority of all the members elected to the Senate voting in favor thereof.

FOR THE AFFIRMATIVE.

Cock	Murphy	Tiemann	D. P. Wood	
Dickinson	Palmer	Wagner	J. Wood	
Johnson	Perry	Weismann	Woodin	
McGowan	Robertson			18

ordered, That the Clerk deliver said bill to the Assembly, and request  
concurrence therein.

Assembly bill entitled "An act to amend section 2 of chapter 9 of Laws of  
1872, entitled 'An act relating to appropriations and deficiencies in the  
city and county of New York, and the audit and payment of salaries and  
expenses in said city and county,' passed January 30, 1872," was read a  
third time.

President put the question whether the Senate would agree to  
the passage of said bill, and it was decided in the affirmative, a  
majority of all the members elected to the Senate voting in favor thereof,  
three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	McGowan	Robertson	Winslow	
Dickinson	Murphy	Tiemann	D. P. Wood	
Foster	Palmer	Wagner	J. Wood	
Johnson	Perry	Weismann	Woodin	20

ordered, That the Clerk deliver said bill to the Assembly, and request  
concurrence therein.

Assembly bill entitled "An act to incorporate the Mutual Trust  
Company of the city of New York," was read a third time.

President put the question whether the Senate would agree to  
the passage of said bill, and it was decided in the affirmative, a  
majority of all the members elected to the Senate voting in favor thereof,  
three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Perry	Wagner	D. P. Wood	
Foster	Robertson	Weismann	J. Wood	
Johnson	Tiemann	Winslow	Woodin	
Murphy				1'

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the name of the Ward Savings Bank of the city of Albany," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Robertson	Winslow
Allen	Dickinson	Murphy	Tiemann	D. P.
Baker	Foster	Palmer	Wagner	J. W.
Benedict	Johnson	Perry	Weismann	Wood

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the Utica, Ithaca and Auburn Railroad Company to extend their road, and to confirm their title to a portion of the road-bed of the Lake Ontario, Auburn and N. Y. railroad, and for other purposes," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Robertson	Winslow
Allen	Dickinson	Madden	Tiemann	D. P.
Baker	Foster	Palmer	Wagner	J. W.
Benedict	Johnson	Perry	Weismann	Wood

*Ordered,* That the Clerk deliver said bill to the Assembly, and inform them of their concurrence therein.

The bill entitled "An act to incorporate the New York Improvement Building Company," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, by a majority of all the members elected to the Senate voting in favor of the bill as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Murphy	Robertson	D. P.
Allen	Dickinson	Palmer	Weismann	J. W.
Baker	Foster	Perry	Winslow	Wood
Benedict	Madden			

FOR THE NEGATIVE.

Johnson	Tiemann	Wagner
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*Ordered,* That the Clerk deliver said bill to the Assembly, and inform them of their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Troy Young Men's Association,' passed April 20, 1884," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

FOR THE AFFIRMATIVE.

ams	Dickinson	Madden	Robertson	Winslow
en	Foster	Murphy	Tiemann	D. P. Wood
er	Johnson	Palmer	Wagner	J. Wood
edict	McGowan	Perry	Weismann	Woodin
k				21

Ordered, That the Clerk deliver said bill to the Assembly, and request for concurrence therein.

On motion of Mr. Madden, the Senate adjourned.

TUESDAY, APRIL 16, 1872.

ant to adjournment.

itaker.

ty was read and approved.

hat the bill entitled "An act to incorporate the ansit Company, and to authorize the said com-  
rate an underground railway in the city of New  
l order for to day, immediately after the third

ding of bills.

Mr. Bowen moved to amend by substituting "Friday next, immedi-  
ly after the reading of the journal."

Mr. Robertson moved to amend said amendment by substituting "to-  
rrow at twelve o'clock, M."

The President put the question whether the Senate would agree to said  
tion of Mr. Robertson to amend, and it was decided in the affirmative,  
ollows:

FOR THE AFFIRMATIVE.

er	Graham	McGowan	Robertson	D. P. Wood
atfield	Harrower	Madden	Wagner	J. Wood
k	Lord	O'Brien	Weismann	Woodin
ter	Lowery			17

FOR THE NEGATIVE.

edict	Dickinson	Johnson	Lewis	Tiemann
ven				6

The President then put the question whether the Senate would agree  
said motion, as amended, and it was decided in the affirmative, as  
ows:

FOR THE AFFIRMATIVE.

ams	Foster	Lowery	Perry	D. P. Wood
er	Graham	McGowan	Robertson	J. Wood
atfield	Harrower	Madden	Wagner	Woodin
k	Lord	O'Brien	Weismann	19

FOR THE NEGATIVE.

edict	Dickinson	Lewis	Tiemann	Winslow
ven	Johnson			7

The Assembly bill entitled "An act releasing the interest of the peo-  
of the State of New York in certain real estate to the Five Points  
use of Industry," was read a third time.



The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a two-thirds of all the members elected to the Senate voting in favor as follows :

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lewis	Perry	Weiss
Baker	Foster	Lord	Robertson	Winslow
Bowen	Graham	Lowery	Tiemann	J. W. Wood
Chatfield	Harrower	McGowan	Wagner	
Cock	Johnson			

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

Mr. Winslow, from the select committee of nine, reported concurring in the following entitled bills :

Assembly, "An act to declare Otter creek and its tributaries in Otsego and Herkimer counties, a public highway."

Assembly, "An act to provide for the improvement of the highway extending from Lansing street, Genesee street, and Caroline street to the village of West Troy to the Loudon road in the town of West Troy (highways lying in part in the town of Watervliet and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said highway." [With amendments.]

Assembly, "An act to amend an act entitled 'An act for the regulation and maintenance of watering troughs in the public highway,' passed April 7, 1869."

Assembly, "An act to incorporate the Trustees of the Home for Destitute Children of Madison county."

"An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as the same relates to the village of Akron, in the county of Erie."

"An act for the completion of Westchester avenue in the town of White Plains, Harrison, and Rye, in the county of Westchester."

"An act to provide for the improvement of part of One Hundred and Fifty-fifth street in the city of New York."

Assembly, "An act making further provisions as to the police and management of the city of Albany."

"An act to amend an act entitled 'An act in relation to the aqueduct of the city of New York,' passed April 15, 1870."

"An act to amend the charter of the village of Carthage, in the county of Warren." [With amendments.]

"An act to amend the act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' passed April 15, 1870."

"An act to establish a board of health in and for the city of New York and county of Kings." [With amendments.]

"An act for the relief of the American Female Guardian Society, the Home for the Friendless of the city of New York in aid of its schools and other departments of charity."

Assembly, "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building thereon which shall be used as an industrial exhibition,' passed April 21, 1870." [With amendments.]

ams en	Dickinson Foster	Lord Lowery	Robertson Tiemann	Winslow D P. Wood
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wen	Graham	McGowan	Wagner	J. Wo
atfield	Johnson	Perry	Weismann	Wood
ck	Lewis			

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the bill, with an amendment.

The Assembly bill entitled "An act to enable Mary Conlaugh to hold real estate, and to release to her the interest and title in the land sheated to the State," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows :

**FOR THE AFFIRMATIVE.**

ams	Chatfield	Lewis	Perry	Winsl
en	Cock	Lowery	Robertson	D. P.
ker	Foster	McGowan	Tiemann	J. Wo
nedict	Harrower	Madden	Wagner	Wood
wen	Johnson	O'Brien	Weismann	

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the bill.

The Assembly bill entitled "An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall at the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, a three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

ams	Dickinson	Lowery	Robertson	Winsl
en	Foster	McGowan	Tiemann	D. P.
ker	Graham	Madden	Wagner	J. Wo
atfield	Johnson	Perry	Weismann	Wood
ck	Lewis			

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the bill.

The Assembly bill entitled "An act to amend the act (chapter 479 of the Laws of 1871) reappropriating certain moneys for the completion of new work upon, and extraordinary repairs of, the canals of the State, having been announced for a third reading,

On motion of Mr. Johnson, and by unanimous consent, the bill was read and passed as follows :

'Said dam shall be built in such manner and of such material as may be approved by the Canal Board, and sufficient to restore and maintain the waters of Seneca lake to their original natural height, but not above the original height, and the Canal Commissioners shall construct such works and erections as may be necessary for such purpose, and to amend chapter 479 of the Laws of 1857 to such extent as the Canal Board may meet ; and also remove all bars and obstructions in the Seneca outlet or river, and the canal above the upper lock at'

the depth required by said act, so far as they shall deem meet, the expense not to exceed \$15,000.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Lewis	Perry	Winslow	
Foster	Lord	Robertson	D. P. Wood	
Graham	Lowery	Wagner	J. Wood	
Harrower	McGowan	Weismann	Woodin	20

FOR THE NEGATIVE.

1  
*ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, and amendments.

The Assembly bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York," having been passed for a third reading,

Johnson moved that the bill be recommitted to the committee on Finance, with instructions to strike out the "preamble" therein.

The President put the question whether the Senate would agree to the motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	Lewis	Perry	Weismann	
Dickinson	Lowery	Robertson	D. P. Wood	
Foster	Madden	Tiemann	J. Wood	
Harrower	O'Brien	Wagner	Woodin	20

*ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, and amendments.

The bill entitled "An act to amend an act entitled 'An act in relation to the location and erection of public buildings for the use of Erie county in the city of Buffalo,' passed April 21, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Cock	Lewis	Robertson	Winslow	
Dickinson	Lowery	Tiemann	D. P. Wood	
Foster	McGowan	Wagner	J. Wood	
Graham	Murphy	Weismann	Woodin	
Harrower	Perry			28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Weismann	
Allen	Cock	Johnson	Perry	Winslow	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Lowery	Tiemann	J. Wood	
Bowen	Graham	McGowan	Wagner	Woodin	25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann	
Allen	Dickinson	Lewis	Robertson	Winslow	
Baker	Foster	McGowan	Tiemann	D. P. Wood	
Chatfield	Graham	Madden	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann	
Allen	Foster	McGowan	Robertson	Winslow	
Baker	Graham	Murphy	Tiemann	J. Wood	
Chatfield	Harrower	O'Brien	Wagner	Woodin	
Cock	Johnson				23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Chatfield moved to take from the table the bill entitled "An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton railroad."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Tiemann	
Allen	Cock	Harrower	O'Brien	Wagner	
Baker	Dickinson	Johnson	Perry	Weismann	
Benedict	Foster	Lewis	Robertson	Winslow	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson, from the select committee of nine, to which was referred the bill entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to establish a special court of sessions in and for the city of Albany, and to confer judicial powers upon the recorder of said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Weismann	
Allen	Dickinson	Lowery	Robertson	Winslow	
Baker	Foster	McGowan	Tiemann	D. P. Wood	
Chatfield	Graham	O'Brien	Wagner	Woodin	20

## FOR THE NEGATIVE.

Johnson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend chapter 165 of the Laws of 1869, entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869; and also to authorize the city of Buffalo to issue bonds for laying out, improving, and embellishing the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann	
Allen	Dickinson	Lowery	Perry	Winslow	
Baker	Foster	McGowan	Robertson	D. P. Wood	
Bowen	Harrower	Murphy	Wagner	Woodin	
Chatfield	Johnson				22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-



house and jail, and to provide for the expenses of the same," having been announced for a third reading,

On motion of Mr. Cook, and by unanimous consent, was amended as follows :

Strike out, in line 2, the name of "William Phraner," and insert in lieu thereof the name of "James Nostrand."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Wagner
Allen	Cock	Harrower	Perry	Weismann
Baker	Dickinson	Johnson	Robertson	Winslow
Benedict	Foster	Lewis	Tiemann	D. P. Wood 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to divide the ninth ward and to create a new ward in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Wagner	D. P. Wood
Baker	Graham	McGowan	Weismann	Woodin
Chatfield	Harrower	Perry		18

FOR THE NEGATIVE.

Cock	Johnson	Murphy	O'Brien	Tiemann 5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to divide the twenty-first ward and create a new ward in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Weismann
Allen	Chatfield	Harrower	Perry	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Lowery	Wagner	19

FOR THE NEGATIVE.

Cock	Lord	Murphy	O'Brien	Tiemann 5
Johnson				

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, West-

chester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highways within their respective district,' passed April 22, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	Winslow
Benedict	Graham	McGowan	Tiemann	D. P. Wood
Chatfield				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to Fordham and Pelham avenues in the towns of West Farms and Westchester, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Wagner
Allen	Foster	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	J. Wood
Chatfield	Harrower	Madden	Tiemann	Woodin
Cock				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Safe Deposit and Trust Company of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Allen	Foster	O'Brien	Tiemann	D. P. Wood
Baker	Harrower	Palmer	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodin
Cock	Lord			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the removal of a certain burial-ground connected with the Second Reformed Church of Bethlehem to the Bethlehem Cemetery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow
Allen	Dickinson	Lowery	Robertson	D. P. V.
Baker	Foster	McGowan	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodhull
Chatfield	Johnson			

## FOR THE NEGATIVE.

O'Brien

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of same, with an amendment.

The bill entitled "An act to regulate processions and parades in the cities of the State of New York," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Wagner	D. P. V.
Allen	Graham	O'Brien	Weismann	J. Wood
Baker	Harrower	Palmer	Winslow	Woodhull
Chatfield	Lewis	Tiemann		

*Ordered,* That the Clerk deliver said bill to the Assembly, and inform thereof their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Buffalo,' passed April 28, 1870; April 25, 1871; amended January 12, 1872," having been announced, was read a third time.

On motion of Mr. Lewis, and by unanimous consent, was agreed to, as follows:

Add, at the end of section 4, the words "one thousand dollars."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, by a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Madden	Robertson	Winslow
Allen	Graham	O'Brien	Tiemann	D. P. V.
Baker	Harrower	Palmer	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodhull
Cock	Lowery			

*Ordered,* That the Clerk deliver said bill to the Assembly, and inform thereof their concurrence therein.

The bill entitled "An act in relation to the clerks of the marriage bureau of the city of New York," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	O'Brien	Tiemann	D. P. V.
Allen	Lewis	Palmer	Wagner	J. Wood
Bowen	Lowery	Perry	Weismann	Woodhull
Chatfield	Madden	Robertson	Winslow	

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act releasing the interest of the State and premises of which Maurice Roche, late of Coxsackie, of Greene, died seized, and authorizing his heirs-at-law to buy the same," was read a third time.

He then put the question whether the Senate would agree to the passage of said bill, and it was decided in the affirmative, two-thirds of the members elected to the Senate voting in favor thereof,

#### FOR THE AFFIRMATIVE.

James	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Maker	Foster	O'Brien	Tiemann	J. Wood
Nedict	Harrower	Palmer	Wagner	Woodin
Chatfield	Johnson			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village of the town of Saratoga Springs,' passed May 5, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

James	Chatfield	Harrower	Palmer	Weismann
Allen	Cock	Lewis	Perry	D. P. Wood
Maker	Dickinson	Lowery	Robertson	J. Wood
Wen	Foster	Madden	Wagner	Woodin

20

#### FOR THE NEGATIVE.

Weismann				
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the election of trustees and other corporation officers of the village of Fonda," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

James	Cock	McGowan	Robertson	Winslow
Allen	Dickinson	O'Brien	Tiemann	D. P. Wood
Maker	Graham	Palmer	Wagner	J. Wood
Chatfield	Lowery	Perry	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 908 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relate to the town of Pelham, in West-

chester county, and the supervisor thereof, and to enable said construct part of the road in said acts referred to," was read a th

The President put the question whether the Senate would to the final passage of said bill, and it was decided in the affirmative majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Perry	Windsor
Baker	Graham	McGowan	Robertson	D. P. V.
Chatfield	Harrower	O'Brien	Wagner	J. Wood
Cock	Lewis	Palmer	Weismann	Wood
Dickinson				

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of t

The bill entitled "An act in relation to the defense of sheriffs" read a third time.

The President then put the question whether the Senate would to the final passage of said bill, and it was decided in the affirmative majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Windsor
Allen	Dickinson	Lowery	Tiemann	D. P. V.
Baker	Foster	McGowan	Wagner	J. Wood
Bowen	Graham	Madden	Weismann	Wood
Chatfield	Harrower			

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870," was read a third time.

The President put the question whether the Senate would to the final passage of said bill, and it was decided in the affirmative majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Allen	Foster	McGowan	Robertson	D. P. V.
Baker	Graham	Madden	Tiemann	J. Wood
Chatfield	Harrower	Palmer	Wagner	Wood
Cock	Johnson			

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act in relation to certain lands in the ward of the city of New York belonging to the mayor, aldermen and commonalty of said city," was read a third time.

The President put the question whether the Senate would to the final passage of said bill, and it was decided in the affirmative majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

ams	Chatfield	Lowery	Robertson	Winslow
en	Dickinson	McGowan	Tiemann	D. P. Wood
ker	Foster	<del>Madden</del>	Wagner	J. Wood
nedict	Graham	Palmer	Weismann	Woodin 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Langburgh,' passed April 16, 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

en	Foster	Madden	Robertson	Winslow
ker	Graham	O'Brien	Tiemann	D. P. Wood
atfield	Harrower	Palmer	Wagner	J. Wood
ck	Johnson	Perry	Weismann	Woodin 22
ckinson	McGowan			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the town of Kingsbury, in the county of Washington, to issue bonds to raise the necessary money to rebuild the court-house in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

ams	Cock	McGowan	Perry	Weismann
en	<del>Palmer</del>	Madden	Robertson	Winslow
ker	Harrower	Murphy	Tiemann	D. P. Wood
nedict	Lewis	O'Brien	Wagner	Woodin 23
atfield	Lowery	Palmer		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to declare Otter Creek and its tributaries in Lewis and Herkimer counties a public highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

ams	Chatfield	Lewis	O'Brien	Wagner
en	Cock	Lowery	Perry	Weismann
ker	Dickinson	McGowan	Robertson	Winslow
nedict	Foster	Madden	Tiemann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly bill entitled "An act making appropriations for the support of government," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, was amended as follows:

Page 4, line 6, after the words "justices of the supreme court," insert the words "except in the first judicial district."

Mr. Bowen moved to recommit said bill to the committee on finance, with instructions to amend by striking out the paragraph, as follows:

"So much of section nine, chapter three hundred and forty-two of the laws of eighteen hundred and sixty-five, relating to the Willard Asylum, as reads as follows: 'Said trustees shall also fix the rate per week, not exceeding two dollars, for the board of patients,' is hereby repealed, and the said trustees of the Willard Asylum shall hereafter annually fix the price per week not to exceed the actual cost of support and attendance exclusive of officers' salaries, as provided in chapter one hundred and thirty-five, section thirty-five of the laws of eighteen hundred and forty-two, governing the State asylums at Utica and Poughkeepsie."

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Graham	O'Brien	J. Wood	
Bowen	Foster	Lewis			8

FOR THE NEGATIVE.

Adams	Lowery	Murphy	Robertson	Weismann	
Chatfield	McGowan	Palmer	Tiemann	D. P. Wood	
Harrower	Madden	Perry	Wagner	Woodin	
Lord					16

Mr. Lowery moved to recommit said bill to the committee on finance, with instructions to amend by striking out the paragraph, as follows:

"For the benefit of the academies and academical departments of the union schools, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be derived from a tax of one-sixteenth of one mill upon each dollar of the taxable property of the State; the sum thus arising to be divided as the literature fund is now divided, which is hereby ordered to be levied for each and every year."

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Johnson	Lowery	Madden	O'Brien	5
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FOR THE NEGATIVE.

Adams	Dickinson	Lord	Perry	Weismann	
Allen	Foster	McGowan	Robertson	D. P. Wood	
Benedict	Graham	Murphy	Tiemann	J. Wood	
Bowen	Harrower	Palmer	Wagner	Woodin	
Cock	Lewis				23

Mr. Palmer asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Palmer subsequently voted in the negative.

Mr. Winslow asked and was excused from voting.

Mr. Madden moved to recommit said bill to the committee on finance, with instructions to amend by inserting the words, as follows:

“Provided, that no part of said sum shall be paid to any private or sectarian school or academy, nor to any schools, the profits or gain of which are received or paid to the principal or principals of said school or private individuals, and not exclusively for the payment of teachers and the necessary expenses of said schools.”

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Madden	Woodin	6
Baker					

FOR THE NEGATIVE.

Allen	Graham	Lord	Perry	Weismann	21
Benedict	Harrower	McGowan	Robertson	Winslow	
Bowen	Johnson	Murphy	Tiemann	D. P. Wood	
Cock	Lewis	Palmer	Wagner	J. Wood	
Foster					

Mr. Johnson moved that said bill be recommitted to the committee on finance, with instructions to amend as follows :

Strike out the words “which is hereby ordered to be levied for each and every year.”

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Madden	Palmer	Robertson	12
Chatfield	Johnson	Murphy	Perry	Tiemann	
Cock	Lowery				

FOR THE NEGATIVE.

Allen	Bowen	Harrower	McGowan	D. P. Wood	15
Baker	Dickinson	Lewis	Wagner	J. Wood	
Benedict	Graham	Lord	Weismann	Woodin	

Mr. Madden moved to recommit said bill to the committee on finance, with instructions to amend by inserting, at the end of line 556, the words as follows :

“For St. Mary’s Orphan Asylum, at Port Jervis, the sum of five thousand dollars.”

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cock	Johnson	Madden	O’Brien	4
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FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Perry	Winslow	24
Allen	Dickinson	Lord	Robertson	D. P. Wood	
Baker	Foster	Lowery	Tiemann	J. Wood	
Benedict	Graham	McGowan	Wagner	Woodin	
Bowen	Harrower	Murphy	Weismann		

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Robertson	Winslow
Allen	Foster	Madden	Tiemann	D. P. Wood
Baker	Johnson	Murphy	Wagner	J. Wood
Benedict	Lord	Palmer	Weismann	Woodin
Chatfield	Lowery	Perry		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Woodin presented a petition of tax-payers of Moravia for the extension of the time for the payment of railroad bonds; which was read and referred to the committee on railroads.

Mr. Wagner presented a petition of property owners on Second avenue, in the city of New York, for an elevated railway on said avenue; which was read and referred to the committee on railroads.

Mr. Lowery presented a petition to revise the charter of the city of Utica; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the collection of assessments against Prospect park and the Parade ground in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to extend the time for paying the bonds of the town of Moravia issued in aid of the Southern Central railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act for the improvement of First street and Kent avenue in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The committee on the judiciary, to which was referred the message of His Excellency the Governor recommending the removal from office of the judge of Chenango county, report as follows:

*To the Senate:*

That the recommendation of the Governor is made in pursuance of the provision of section 12 of article 6 of the Constitution of this State, and is based upon written charges against the judge of Chenango county submitted to him, and which, with his message recommending his removal, were transmitted to the Senate.

The judge against whom the charges were made applied to your committee for the privilege of appearing before it for the purpose of submitting certain questions, which, it was believed, might avoid the necessity of a trial before the Senate. Your committee acceded to his request, and the accused and his prosecutors appeared before the committee by counsel and argued the questions submitted by him.

It was made to appear to your committee, that Horace G. Prindle, judge of Chenango county, was elected to that office by the electors of Chenango county at the last general election held in this State, and that he entered upon the duties of his office on the first day of January last; that this was the third time that he had been consecutively elected to that office, having held and discharged the duties of the office two terms before his present term commenced.

It further appeared that the charges preferred against him were founded upon alleged official misconduct which occurred during his first and second terms of office; that only one charge is based upon official acts during the term for which he was last elected.

The point raised by the accused before the judiciary committee was, that he could not be removed for any alleged official misconduct which occurred during his terms of office which had expired; that the Senate, under the Constitution, had no right to go back of his last election; that the investigation, if any was had, should be restricted to the charge of official misconduct during the present term; and as to that charge, it was too general and indefinite to put him upon his trial.

On these questions the counsel for the respective parties were heard before the committee. After due deliberation, the committee have come to the conclusion that it is not within the province of the committee, in the first instance, to determine the question so raised and argued. The Governor, in his message, states that an examination of the charges had satisfied him that a *prima facie* case was made out, and recommended removal, provided the charges were established by evidence.

In the opinion of your committee, it now devolves upon the Senate to determine whether the accused should or should not be removed, and as to what evidence should be received to sustain the charges made, and whether the investigation should extend to alleged official misconduct which occurred during the prior or former terms of office of the accused, are questions for the Senate, and not for your committee. The committee, therefore, have not passed upon the questions which were argued before it.

This is the second case in which the Senate has been called upon to remove a county judge upon the recommendation of the Governor. The first case was that of the county judge of Oneida county, who was brought to trial before the Senate, upon the recommendation of the Governor for his removal, in the year 1866.

The judiciary committee of the Senate, to which the message of the Governor recommending the removal was referred, reported to the Senate that the committee was of the opinion that the investigation might be prosecuted by two methods. Either by the committee of the Senate, who should take the testimony upon the subject and report the same to the Senate, with their opinion on the case, or before the Senate; that the choice of the two methods should be left to the accused, as he is the party most intimately affected by any result which should be arrived at. The accused, in that case, elected to be tried by the Senate, and a trial was had.

Your committee recommend that the practice and proceedings in that case be adopted as a precedent in this case, and therefore recommend that they be empowered to cause to be served upon the accused personally a copy of the complaint, with a notification that he be required to appear before the committee on a day to be named in the notification, then and there to settle and agree upon the issues to be tried, and to receive and

serve a written list of the witnesses to be examined, and to determine the time and manner in which the investigation shall proceed. The committee, therefore, propose the following resolution :

*Resolved*, That the recommendation of the committee on the judiciary be adopted, and that the committee be instructed to proceed accordingly.

JAMES WOOD, *Chairman*.

Mr. Graham moved that the report be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented the following communication :

CITY OF NEW YORK — COMPTROLLER'S OFFICE, }  
April 13, 1872. }

*To the Hon. the Senate and Assembly of the State of New York :*

I have the honor to report to the Legislature that, in pursuance of the terms of the resolution calling for information relative to the cost of the new county court-house in this county, I have taken measures to ascertain the facts therein required, but find that it will be impracticable for me to report in full within the time prescribed, and I would, accordingly, request that further time might be allowed, in order to complete the investigation.

Respectfully submitted.

AND. H. GREEN, *Comptroller*.

Mr. Tiemann moved that further time be granted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented the annual report of the New York State Agricultural Society, with abstracts and documents accompanying the same ; which was laid on the table and ordered printed.

(*See Doc. No. .*)

Mr. Madden, from the committee on railroads, to which was recommended the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the formation of a separate road district in the town of Jay, county of Essex," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and



from thence to the Owasco lake,' passed April 15, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Buffalo Catholic Institute," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to change the corporate name of the Society of Columbia of Richfield, Tioga county, New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the Lutheran Cemetery in the town of Newtown, Long Island," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Young Men's Universalist Association of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the Sea Cliff Grove and Metropolitan Camp Ground Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to secure religious ministrations to convicts in the State prisons and penitentiaries of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to legalize and to provide for the election of trustees of Sleepy Hollow Cemetery at Tarrytown, and to confirm their official acts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings



county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was recommitted the bill entitled "An act to incorporate the Long Island City and Maspeth Railway Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river in the city of Oswego," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on State prisons, to which was referred the Assembly bill entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer moved that the following entitled bills be considered in the first committee of the whole :

"An act relating to assessment in the city of New York."

"An act in relation to local improvements in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of two o'clock having arrived, the Senate adjourned until half past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the following entitled bills :

"An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 280 of the Laws of 1868; and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Catskill Water Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to provide for the erection of a town hall in the town of Rhinebeck, county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to release to Mary McGarrity the right, title, and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act creating a board of commissioners of emigration, and conferring therein certain powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to supply the city of Rochester with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to prohibit catching speckled trout in the county of Madison for the period of three years," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to establish a special road district in Franklin county, and to appropriate the non-resident highway taxes therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act requiring the highway tax of the New York Central Railroad Company through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site and for the erection of a school-house thereon, in school district No. 3 at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to enable the legal voters of any town, county, or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away therein of intoxicating liquors shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also to regulate the sale for medicinal, mechanical, chemical, or sacramental use, and to provide for the enforcement of this act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in certain land to Mary M. Imhorst," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof as a tax upon the village of Lima and the town of Lima, said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Adams, from the select committee of nine, reported com bills entitled as follows :

"An act to amend an act entitled 'An act to amend an act on act to incorporate the Orient Wharf Company,' passed June passed March 17, 1860,"

Assembly, "An act to amend an act entitled 'An act to alter or plan of the city of New York,' passed April 15, 1859, relating to the widening of the street known as Seventh avenue in the city of New York."

Assembly, "An act to amend an act passed April 24, 1868  
'An act for the improvement of part of the city of New York  
One Hundred and Tenth street and Harlem river.' "

Assembly, "An act to incorporate the Riverhead Savings Ba

Assembly, "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the Association for the Benefit of Orphans in the city of New York,' passed April 16, 1838; passed April 1, 1871."

Assembly, "An act to amend an act in relation to the rates  
age, and to regulate piers, wharves, bulk-heads, and slips in the  
New York and Brooklyn, passed May 6, 1870."

Assembly, "An act relative to the streets, avenues, wharves, bulk-heads of the village of College Point, in the county of Q

Assembly, "An act to authorize the trustees of the village of ... to issue bonds and raise money for the purchase of a steam engine, and for the mapping and establishment of lines and grades for the streets and public places in said village."

Assembly, "An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869."

"An act to provide for supplying the village of Whitestone county of Queens, with pure and wholesome water."

Assembly, "An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester."

"An act in relation to expenses in opening streets and for local improvements in the city of New York."

"An act to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water."

Assembly, "An act to incorporate Smyrna Lodge, No. 116, Grand Order of Odd Fellows of the State of New York."

Assembly, "An act to authorize plank-road and turnpike corporations formed under and by virtue of part 1, chapter 18, title 1, and the Revised Statutes, to extend their charter or corporate exist-

"An act to provide for furnishing two statues of eminent deo-  
zens of this State to be placed in the capitol at Washington, in  
ance with the invitation of the President of the United States.

Assembly, "An act to repeal chapter 928 of the Laws of 1911, entitled 'An act in relation to the laying out, opening, and constructing a public highway in the town of Hempstead, Queens county.'"

Assembly, "An act to provide for regulating, grading, and the White Plains road, commonly called North street, lying the town of New Rochelle and partly in the village of New in the county of Westchester."

Assembly, "An act to incorporate the Mamaroneck and Fire Department."

Assembly, "An act to provide for the erection of a town house in the town of New Lots, Kings county."

"An act further to amend an act passed May 8, 1869, entitled 'An act to incorporate the city of Watertown.'" [With amendments.]

"An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for increased compensation of commissioners of highways and other town officers,' passed April 18, 1857."

"An act to incorporate the Nyack Water-works Company."

Assembly, "An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south of the State line."

Assembly, "An act in relation to the First Baptist Church and Society Ogdensburgh."

"An act to amend and supplementary to an act entitled 'An act relative to the widening, straightening, and laying out and opening of St. John's avenue and Carr.avenue in the town of Morrisania, in the county of Westchester, passed May 7, 1869,' and as amended May 5, 1870."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors, and counselors,' passed April 18, 1871."

"An act to provide for a rehearing by the comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county."

"An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county."

"An act concerning the Sodus Bay, Corning and New York Railroad company, and providing for a change in its corporate name."

"An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act relating to assessment in the city of New York."

"An act relative to the Washington Street and State Asylum Railroad company."

"An act in relation to local improvements in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from said committee, reported progress on the first and second named bills, and asked and obtained leave to sit again.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Perry, the Senate adjourned.

## WEDNESDAY, APRIL 17, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Schlesinger.

The journal of yesterday was read and approved.

The President presented the following communication :

UNIVERSITY OF THE STATE OF NEW YORK, }  
ALBANY, April 16, 1872. }

HON. ALLEN C. BEACH, *President of the Senate* :

SIR.—I am directed to communicate to you, for the information of the Senate, that on the 8th instant Hon. Erastus Corning, senior, member of the Board of Regents and Vice-Chancellor of the University, died at his residence in this city, making a vacancy in the board to be filled at the pleasure of the Legislature.

I have the honor to be, very respectfully,

Your obedient servant,

S. B. WOOLWORTH, *Secretary*.

The Assembly bill entitled "An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips in the cities of New York and Brooklyn, passed May 6, 1870," having been announced for a third reading,

On motion of Mr. Murphy, and by unanimous consent, was amended as follows :

Section 1, line 14, after the word "boats," insert the word "and."

Same line, after the word "sloops," insert the words "employed upon the rivers of this State."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Perry	Winslow
Allen	Chatfield	Harrower	Robertson	D. P. Wood
Baker	Cock	Murphy	Wagner	J. Wood
Benedict	Dickinson	O'Brien	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 15, 1859, relative to the Seventh avenue in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lowery	Winslow	
Allen	Chatfield	Graham	O'Brien	D. P. Wood	
Baker	Cock	Harrower	Perry	J. Wood	
Benedict	Dickinson	Johnson	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act for the completion of Westchester avenue in the towns of White Plains, Harrison, and Rye, in the county of Westchester."

"An act for the relief of the American Female Guardian Society and Home for the Friendless of the city of New York in aid of its industrial schools and other departments of charity."

"An act to amend the act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Erie,' passed April 14, 1859."

"An act to provide for the improvement of part of One Hundred and Fifty-fifth street in the city of New York."

"An act to amend an act entitled 'An act in relation to the Croton aqueduct of the city of New York,' passed April 15, 1870."

"An act to establish a board of health in and for the city of Brooklyn and county of Kings."

"An act to amend and supplementary to an act entitled 'An act relative to the widening, straightening and laying out and opening of St. Ann's avenue and Carr avenue in the town of Morrisania, in the county of Westchester,' passed May 7, 1869, and as amended May 5, 1870."

"An act to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water."

"An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857."

"An act to amend the charter of the village of Carthage, Jefferson county."

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the county of Erie."

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the village of Middleport, in the county of Niagara."

"An act in relation to certain local improvements in the city of New York."

"An act in relation to expenses in opening streets and for local improvements in the city of New York."

"An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as the same relates to the village of Akron, in the county of Erie."

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the Orient Wharf Company,' passed June 28, 1851; passed March 17, 1860."

"An act to provide for supplying the village of Whitestone, in the county of Queens, with pure and wholesome water."



The Assembly bill entitled "An act to authorize the laying out, opening, and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Chatfield	Johnson			

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the improvement of the highways extending from Lansing street, Genesee street, and Caroline avenue in the village of West Troy to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Winslow
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Bowen	Johnson	Madden	Wagner	Woodin
Chatfield	Lewis	O'Brien	Weismann	

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 7, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Robertson	Winslow
Baker	Cock	Johnson	Tiemann	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	Perry	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the trustees of the Home for the Destitute Children of Madison county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Winslow
Allen	Dickinson	Johnson	Robertson	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
Chatfield				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act passed April 24, 1865, entitled 'An act for the improvement of part of the city of New York between One Hundred and Tenth street and Harlem river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Graham			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making further provisions as to the police department of the city of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Perry	Winslow
Allen	Cock	Harrower	Wagner	J. Wood
Baker	Dickinson	Johnson	Weismann	Woodin
Bowen	Foster	McGowan		18

FOR THE NEGATIVE.

Benedict	Robertson	D. P. Wood	8
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to the streets, avenues, wharves, piers, and bulk-heads of the village of College Point, in the county of Queens," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow
Allen	Dickinson	Lord	Robertson	D. P. Wood
Baker	Foster	Lowery	Wagner	J. W. Wood
Chatfield	Graham	McGowan	Weismann	W. W. Wood

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition building,' passed April 21, 1870," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Winslow
Allen	Cock	Harrower	Madden	D. P. Wood
Benedict	Dickinson	Johnson	Perry	J. W. Wood
Bowen	Foster	Lewis	Wagner	W. W. Wood

Mr. Woodin moved to reconsider the vote just taken on said bill.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Woodin moved to recommit said bill to the committee on the whole.

The President put the question whether the Senate would concur in said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to incorporate the River and Harbor Bank," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	O'Brien	Wagner	D. P. Wood
Baker	Lewis	Perry	Weismann	J. W. Wood
Chatfield	Lord	Robertson	Winslow	W. W. Wood
Cock	McGowan			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. D. P. Wood moved to reconsider the vote by which the report of the select committee of nine as refers to the bill entitled "An act to provide for furnishing two statues of eminent deceased persons of this State to be placed in the capital at Washington, in accordance with the invitation of the President of the United States," agreed to, and that said bill be recommitted to the committee on the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the select committee of nine, reported the following entitled bills complete :

Assembly, "An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed, respectively, March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

Assembly, "An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn to Sarah Groom."

Assembly, "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to amend the act entitled An act to incorporate the village of Bath, in the county of Steuben,' passed June 20, 1851, and the act amendatory thereof, passed April 5, 1866."

Assembly, "An act to prevent the taking of fish from Loon lake in the town of Wayland, Steuben county." [With amendments.]

"An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof."

"An act to amend chapter 766 of the Laws of 1871, entitled 'An act to allow the justices of the supreme court, assigned to hold the general terms thereof in the several judicial departments of this State, to fix the times and places of holding the same,' passed April 27, 1871."

"An act to authorize the Brooklyn Improvement Company to issue preferred and special stock."

Assembly, "An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect said village from the effect of high water, and to raise money to pay for the same; also to amend chapter 731 of the Laws of 1865 in relation thereto."

Assembly, "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869."

Assembly, "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871."

Assembly, "An act to authorize the Pelham and Portchester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same."

Assembly, "An act relative to the Hudson Suspension Bridge and New England Railway Company, and authorizing the extension of its road."

Assembly, "An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25 in Franklin county."

Assembly, "An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn."

Assembly, "An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland.'"

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act extending the provisions of certain acts relating to municipal corporations to aid in the construction of railroads in the village of Middleport, in the county of Niagara," which was read for the first time, and by unanimous consent was also read the second time. On motion of Mr. Bowen, and by unanimous consent, said bill was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of it, three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bowen	Cock	Lewis	Perry	Winslow
Mr. Harrower	Dickinson	Lowery	Robertson	D. P. Wood
Mr. Madden	Graham	O'Brien	Wagner	J. Wood
Mr. Stetson	Harrower	Palmer	Weismann	Wood

*Ordered*, That the Clerk deliver said bill to the Assembly, and inform the Assembly of its concurrence therein.

Mr. Benedict offered the following:

*Resolved* (if the Assembly concur), That the Legislature on the 24th instant, at 12 o'clock at noon, proceed to elect a President of the University in place of Erastus Corning, deceased.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk delivered said resolution to the Assembly immediately, and requested its concurrence therein.

The President announced Messrs. D. P. Wood, Madden, and Harrower, a committee of conference upon the resolution authorizing the appointment of two commissioners to attend the International Congress held in London, for the prevention and suppression of crime.

The Assembly bill entitled "An act to authorize the board of supervisors of the county of Warren to raise and levy the sum of five hundred dollars on the town of Caldwell, in said county of Warren," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of it, three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bowen	Dickinson	Lord	Perry	Winslow
Mr. Harrower	Graham	Lowery	Robertson	D. P. Wood
Mr. Madden	Harrower	McGowan	Wagner	J. Wood
Mr. Stetson	Lewis	O'Brien	Weismann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing it that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Dams	Chatfield	Graham	Perry	Winslow
Allen	Cock	Harrower	Robertson	D. P. Wood
Maker	Dickinson	Lord	Wagner	J. Wood
Lowen	Foster	McGowan	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Lewis, and by unanimous consent, the committee of the whole was discharged from further consideration of the bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the county of Erie," and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Dams	Chatfield	Harrower	McGowan	Weismann
Allen	Cock	Johnson	O'Brien	Winslow
Maker	Foster	Lewis	Palmer	J. Wood
Benedict	Graham	Lewery	Perry	Woodin 21
Lowen				

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building sidewalks in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the alteration of town boundaries in the county of Franklin," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act authorizing the supervisors of the town of Johnsburgh, in the county of Warren, to sell and convey by deed a lot of land known as the town poor lot in the aforesaid town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county



of Westchester, and to define their powers,' passed April 22, 1869, and the acts amending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the case of New York and Kings,' passed May 11, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of it, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Palmer	Winslow
Baker	Dickinson	McGowan	Robertson	D. P. Wood
Benedict	Foster	Madden	Wagner	J. Wood
Bowen	Harrower	O'Brien	Weismann	Woodin
Chatfield	Johnson			

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of it, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Benedict	Harrower	McGowan	Wagner	J. Wood
Bowen	Johnson	O'Brien	Weismann	Woodin
Chatfield				

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same with amendments.

The hour of twelve o'clock having arrived, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an elevated ground railway in the city of New York."

After some time spent therein, the President resumed the chair. Mr. J. Wood, from said committee, reported progress on said name, and asked and obtained leave to sit again.

Mr. Robertson moved that the session be extended until half past six o'clock, P. M.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Robertson moved that the Senate again resolve itself into a committee of the whole on the bill last under consideration.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York."

After some time spent therein, the President resumed the chair, and J. J. Wood, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Palmer moved that when the Senate adjourn to-day it adjourn to meet at half past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of half past two o'clock having arrived, the Senate took a recess until half past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for the payment of awards made by the Canal Appraisers," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to improve the navigation of the Baldwinsville canal," reported adversely thereto, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the bill entitled "An act concerning the responsibility of certain officers of the city and county of New York," reported adversely thereto, which report was agreed to.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete a glass street in said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Brooklyn City Safe Deposit Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the payment of certain indebtedness of the city of Elmira," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870,"

reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a city hall in said city," reported adversely thereto.

Mr. Bowen moved to lay the question agreeing to the report of the committee upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Utica Park Association," reported adversely thereto, which report was agreed to.

Mr. Foster, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Lake Ontario Shore Railroad Company to run their road through the counties of Niagara and Erie," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on the affairs of cities, to which was referred the bill entitled "An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Whitestone Savings Bank," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Port Richmond Savings Bank," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to establish a special road district in Franklin county and appropriate the non-resident highway

taxes therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to extend and define the limits of the village of Hornellsville," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company, passed May 3, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof as a tax upon the village of Lima and the town of Lima, said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the Catskill Water Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act to amend an act entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Amsterdam Water-works Company,' passed March 17, 1865," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the collection of assessments against Prospect park and the Parade ground, in the county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to regulate the fees of county clerks," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act in relation to the service of notices by publication," reported that they had made some amendments thereto,

and have amended the title so as to read as follows: "An act in relation to the publication of notices and citations," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend article 2 of title 12 chapter 18 of part 1 of the Revised Statutes relating to corporations for manufacturing purposes," reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, and the several acts amendatory thereof," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act granting to the Western Land and Improvement Company further powers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts and proceedings of William Seymour, a justice of the peace of the town of Greig, county of Lewis," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to declare the day of the general State election a public holiday," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the election of a fifth justice of the peace in the town of Richland, in the county of Oswego, and for the future election of five justices of the peace of said town," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act requiring the high way of the New York Central Railroad Company through the town of Madison, Wayne county, to be applied to the repairs of certain highways of said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Esopus to vote by districts for town officers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed February 19, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

passage of the same, and said bill was whole.

on public printing, to which was a copies of the report of the Fishery and adoption of the following resolution: a copies of the report of the Fishery Legislature.

whether the Senate would agree to said affirmative.

appointed by the two Houses upon the entitled "An act to amend chapter 12 prescribing the officers and employees employed by the Senate and Assembly, thereof, and regulating the proceedings and providing for the payment of the they have met and deliberated thereon, the Assembly concur in the amendment.

JAMES W. HUSTED,  
C. P. VEDDER,  
IRA D. BROWN,  
WM. W. MOSELEY,

*Assembly Committee.*

The President put the question whether the Senate would agree to said report of the conference committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Robertson	Winslow
Aker	Dickinson	Madden	Tiemann	D. P. Wood
Benedict	Foster	O'Brien	Wagner	J. Wood
Butfield	Graham	Perry	Weismann	Woodin .

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

On motion of Mr. Madden, and by unanimous consent, the Assembly bill entitled "An act to repeal chapter 770 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulastr county, and to establish a public highway,' passed May 9, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	O'Brien	Winslow
Allen	Dickinson	Lewis	Perry	D. P. Wood
Aker	Foster	Lowery	Robertson	J. Wood
Benedict	Graham	McGowan	Wagner	Woodin
Butfield	Harrower	Madden	Weismann	

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly sent for concurrence the bills entitled as follows:



"An act in reference to the Young Men's Association for improvement in the city of Albany," which was read the first time, by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and to amend a resolution of the board of supervisors of said county relating to the judges thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend title 16, chapter 3 of the Revised Statutes relative to proceedings for the reclamation of swamps, marshes, and other low or wet lands, and for draining lands,' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the bill entitled "An act making appropriations for the support of government," with a message that they had concurred in the amendments of the Senate thereto, and have appointed a committee of conference consisting of Messrs. Alvord, Maroy, Fort, and Jacobs, and request that a like committee of conference be appointed on the part of the Senate.

Mr. D. P. Wood moved that a committee of conference be appointed. The President put the question whether the Senate would concur in said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. D. P. Wood, Adams, and Lord.

The Assembly returned the bill entitled "An act to incorporate the Batavia Library Association and appropriating certain moneys therefor," with a message that they had passed the same with the following amendments:

Commence section 9 with the following words:

"§ 9. The board of supervisors of the county of Genesee are authorized, in their discretion, to appropriate," etc.

In line 4, same section, strike out the words "is hereby appropriated."

The President put the question whether the Senate would concur in said amendments, and it was decided in the affirmative.

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Winslow
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	O'Brien	Weismann	Wood
Bowen	Graham			

A resolution was received from the Assembly in the words following:  
*Resolved* (if the Senate concur), That the Clerks of the Senate and Assembly be directed to furnish to each member of the Senate and Assembly, and to the clerks of the Senate and clerks of the Assembly, the present year one hundred copies each of the State Manual for the year 1872, entitled to stationery orders, twenty-five copies each provided, however, that the price shall not exceed one dollar per copy.

Mr. Bowen moved that said resolution be referred to the committee on public printing.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city."

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the drainage and improvement of a part of the valley of the Saw-mill river, in the town of Yonkers, and the laying out of streets and roads in the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as the same relates to the village of Akron, in the county of Erie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Wagner
Allen	Cock	Lewis	O'Brien	Weismann
Baker	Dickinson	Lord	Perry	J. Wood
Benedict	Foster	Lowery	Robertson	Woodin
Bowen	Harrower	McGowan	Tiemann	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the completion of Westchester avenue in the towns of White Plains, Harrison, and Rye, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Baker offered the following:

*Resolved*, That Assembly bill No. 247, entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company," be recommended to the committee on commerce and navigation, with power to report complete at any time.

The President put the question whether the Senate would agree to the resolution, and it was decided in the affirmative.

The bill entitled "An act to provide for the improvement of One Hundred and Fifty fifth street in the city of New York," was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Winslow
Baker	Cock	Harrower	Perry	D. P. V.
Benedict	Dickinson	Lewis	Robertson	J. Wood
Bowen	Foster	Lowery	Weismann	Woodin

FOR THE NEGATIVE.

O'Brien

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act in relation to the Croton aqueduct of the city of New York,' passed April 1, 1859," was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Lewis	Robertson	D. P. V.
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Graham			

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend the charter of the village of Thage, Jefferson county," was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Winslow
Allen	Dickinson	Johnson	O'Brien	D. P. V.
Baker	Foster	Lewis	Robertson	J. Wood
Bowen	Graham	Lowery	Weismann	Woodin
Chatfield				

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to amend the incorporation of the village of Lancaster, in the county of Lancaster,' passed April 14, 1859," having been announced for a third reading.

On motion of Mr. Lewis, and by unanimous consent, was announced as follows :

he said village shall pay the expense of

read a third time.

whether the Senate would agree to it was decided in the affirmative, and to the Senate voting in favor thereof, being present, as follows:

FOR THE AFFIRMATIVE.

Dams	Cock	Lewis	Perry	Winslow
aker	Dickinson	Lowery	Robertson	D. P. Wood
enedict	Graham	McGowan	Wagner	J. Wood
owen	Johnson	O'Brien	Weismann	Woodin
atfield				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to establish a board of health in and for the city of Brooklyn and county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Dams	Chatfield	Harrower	O'Brien	Winslow
len	Cock	Lewis	Perry	D. P. Wood
aker	Dickinson	Lowery	Robertson	J. Wood
enedict	Foster	McGowan	Wagner	Woodin
owen	Graham	Madden	Weismann	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of the American Female Guardian Society and Home for the Friendless of the city of New York in aid of its industrial schools and other departments of charity," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Dams	Cock	Lowery	Perry	Winslow
len	Dickinson	McGowan	Robertson	D. P. Wood
aker	Foster	Murphy	Wagner	J. Wood
enedict	Harrower	O'Brien	Weismann	Woodin
atfield	Lewis			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots, number twelve and number twenty-four of the original township of Cato, now Ira, in the county of Cayuga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. V.
Benedict	Foster	Lowery	Wagner	J. Wood
Bowen	Graham	McGowan	Weismann	Wood
Chatfield				

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to repeal chapter 549 of the laws of 1868, entitled 'An act to regulate, grade, and macadamize a way known as the Westchester turnpike and post-road, commencing at a point in said road on the line dividing the towns of West Falls and Morrisania, and the acts amendatory thereof, to discharge the duties of the commissioners appointed by such act or acts amendatory thereof, and to authorize the town officers of the various towns, and the president and trustees of the village of New Rochelle, through which said turnpike and road passes, to perform certain duties," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Perry	Winslow
Allen	Cock	Lowery	Robertson	D. P. V.
Baker	Dickinson	O'Brien	Wagner	J. Wood
<del>Hamadlin</del>	Foster	Palmer	Weismann	Wood
Bowen	Lewis			

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Orient Wharf Company,' passed June 28, 1861; passed March 17, 1860," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. V.
Benedict	Harrower	O'Brien	Wagner	J. Wood
Bowen	Johnson	Palmer	Weismann	Wood
<del>Chatfield</del>				

*Ordered*, That the Clerk deliver said bill to the Assembly, and inform them of their concurrence therein.

The bill entitled "An act to provide for supplying the village of Queens with stone, in the county of Queens, with pure and wholesome water," has been announced for a third reading.

On motion of Mr. Cock, and by unanimous consent, was announced as follows:

Section 2, lines 4 and 5, engrossed bill, after the word "whole" insert the words "twenty-five" and insert in lieu thereof the word

Section 8, line 6, after the word "within," strike out the word "two" and insert in lieu thereof the word "three."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Winslow
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield	Lewis			

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water," having been announced for a third reading,

On motion of Mr. Cock, and by unanimous consent, was amended as follows:

Section 2, line 4, engrossed bill, strike out the words "twenty-five" and insert in lieu thereof the words "one hundred."

Section 8, line 5, strike out the word "two" and insert in lieu thereof the word "three."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Perry	Winslow
Allen	Cock	Harrower	Robertson	D. P. Wood
Baker	Dickinson	Lewis	Wagner	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate Smyrna Lodge No. 6 Independent Order of Odd Fellows of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Madden	Weismann
Allen	Cock	Harrower	Palmer	Winslow
Baker	<del>Dickinson</del>	Lewis	Robertson	J. Wood
Benedict	Foster	McGowan	Wagner	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to local improvements in the city of New York," having been announced for a third reading,



On motion of Mr. O'Brien, and by unanimous consent, was as follows :

Add to section 4 the following words :

"On all work hereafter contracted for no interest shall be charged, and no more than one per cent and no more shall be reserved from the amount or value specified, and certified from time to time to said comptroller by the officer to have been done by any contractor; and such reserve per cent shall be paid to such contractor on or before the expiration of thirty days from the completion and acceptance of the work."

On motion of Mr. Woodin, and by unanimous consent, said bill was further amended as follows :

In section 3, line 8, engrossed bill, insert, after the word "contractor" the words "or the person to whom any award may have been made."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

dams	Cock	Harrower	O'Brien	Wetzel
aker	Dickinson	Johnson	Palmer	D. P.
enedict	Foster	Lowery	Robertson	Wood
hatfield	Graham	McGowan	Wagner	

FOR THE NEGATIVE.

Ben	Lewis	Lord	Winslow	J. W.
owen				

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize plank-road companies, formed under and by virtue of part 1, chapter 1 of the Revised Statutes, to extend their charter or existence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

dams	Bowen	Graham	Perry	Winslow
Ben	Chatfield	Harrower	Robertson	D. P.
aker	Cock	McGowan	Wagner	J. W.
enedict	Dickinson	O'Brien	Weismann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of said bill.

The Assembly bill entitled "An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening, and constructing of a public highway in the town of Hempstead, Queens County,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Winslow
Allen	Dickinson	Lewis	O'Brien	D. P. Wood
Bowen	Foster	Lowery	Perry	J. Wood
Chatfield	Graham	McGowan	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for regulating, grading, and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle and partly in the village of New Rochelle, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	Winslow
Baker	Dickinson	Madden	Robertson	D. P. Wood
Benedict	Foster	Murphy	Wagner	J. Wood
Bowen	Graham	O'Brien	Weismann	Woodin
Chatfield	Lewis			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	Madden	Wagner	J. Wood
Bowen	Graham	O'Brien	Weismann	Woodin
Chatfield	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the erection of a town house in the town of New Lots, Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Winslow
Baker	Winslow	Lewis	Robertson	D. P. Wood
Chatfield	Graham	Murphy	Wagner	J. Wood
Cock	Harrower	O'Brien	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Madden moved that the bill entitled "An act to authorize commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," be reported to the committee on roads and bridges.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to amend several towns of this State to raise an increased amount of increased compensation of commissioners of highways and officers,' passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Wagner
Allen	Chatfield	Graham	Perry	Wells
Baker	Cock	Harrower	Robertson	Wood
Benedict	Dickinson	Lewis		

FOR THE NEGATIVE.

Johnson	J. Wood
---------	---------

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon to their concurrence therein.

The bill entitled "An act in relation to expenses in opening roads for local improvements in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Murphy	Wells
Allen	Dickinson	Johnson	Perry	Wing
Baker	Foster	Lewis	Robertson	J. Wood
Bowen	Graham	McGowan	Wagner	Wood
Chatfield				

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon to their concurrence therein.

The Assembly bill entitled "An act entitled 'An act to amend an act entitled 'An act to authorize the making and opening of a road or highway at the intersection of the highway running east of Rockland lake and the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Poughkeepsie to Orangeburgh,' passed April 21, 1871, and to extend said Highway south to the State line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Wing
Allen	Dickinson	Madden	Robertson	D. P.
Baker	Foster	Murphy	Wagner	J. Wood
Chatfield	Graham	O'Brien	Weismann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the First Baptist Church and Society in Ogdensburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Foster	Lord	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Butfield	Harrower	<del>Madden</del>	Wagner	J. Wood
Cock	Johnson	Perry	Weismann	Woodin
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend and supplementary to an act entitled 'An act relative to the widening, straightening, and laying out and opening of St. Ann's avenue and Carr avenue in the town of Morrisania, in the county of Westchester,' passed May 7, 1869, and as amended May 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Weismann
Allen	Dickinson	Lewis	O'Brien	Winslow
Baker	Foster	Lowery	Perry	J. Wood
Benedict	Graham	McGowan	Robertson	Woodin
Butfield	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lewis moved to lay the present order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act to provide for compensation to the members of the court for the trial of impeachments other than the judges of the court of appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to change the grade of One Hundred and Thirty-sixth and One Hundred and Thirty-seventh streets, between St. Ann's avenue and Cyprus avenue, in the town of Morrisania, county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Tiemann presented a petition of the Foundling Asylum of the Sisters of Charity of New York for an amendment to its charter; which

Mr. Madden moved that the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to allow the several towns of this State to raise an increased amount of money for increased compensation of commissioners of highways and other town officers,' passed April 15, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Wagner
Allen	Chatfield	Graham	Perry	Weismann
Baker	Cock	Harrower	Robertson	Woodin
Benedict	Dickinson	Lewis		

18

FOR THE NEGATIVE.

Johnson      J. Wood

2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to expenses in opening streets and for local improvements in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Murphy	Weismann
Allen	Dickinson	Johnson	Perry	Winslow
Baker	Foster	Lewis	Robertson	J. Wood
Bowen	Graham	McGowan	Wagner	Woodin
Chatfield				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Foster	Murphy	Wagner	J. Wood
Chatfield	Graham	O'Brien	Weismann	Woodin

20

Mr. Cook, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Cook, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. D. P. Wood moved that the committee of the whole be discharged from further consideration of said bill, and that the words "in coin" be stricken from the bill wherever it occurs, and that the same be ordered to a third reading.

Mr. Johnson moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion of Mr. Johnson, and it was decided in the negative.

Mr. Lewis called for a division of the question.

The President put the question whether the Senate would agree to the first division of said motion of Mr. D. P. Wood, being in the words "that the committee of the whole be discharged from further consideration of said bill," and it was decided in the affirmative.

Mr. Johnson moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Madden	Wagner	
Cock	Johnson	Lord	Perry		9

FOR THE NEGATIVE.

Baker	Chatfield	Graham	McGowan	J. Wood	
Benedict	Dickinson	Harrower	D. P. Wood	Woodin	
Bowen					11

The President put the question whether the Senate would agree to the second division of said motion of Mr. D. P. Wood, being in the words "and that the words 'in coin' be stricken from the bill wherever it occurs," and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Dickinson	Harrower	Wagner	J. Wood	
Bowen	Graham	McGowan	D. P. Wood	Woodin	
Chatfield					11

FOR THE NEGATIVE.

Adams	Cock	Johnson	Lord	Perry	
Baker	Foster	Lewis	Madden		9

The President put the question whether the Senate would agree to the last division of said motion, being in the words "and that the same be ordered to a third reading," and it was decided in the affirmative.

Mr. Lewis moved to reconsider the vote striking out the words "in coin," and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.



was read and referred to the committee on charitable and religious ties.

Mr. Baker presented a petition for an act to provide for a bridge over the Boston and Albany railroad in the town of East Greenbush. The bill was read and referred to the committee on roads and bridges.

Mr. Lewis, from the committee on canals, to which was referred the bill entitled "An act to reappropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of one thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869," reported that he had made some amendments thereto, and have amended the title. The bill was read as follows: "An act to reappropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of four thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869; and further to reappropriate the sum of ten thousand dollars for the purpose of rebuilding the State dam at Troy," and said bill was committed to the committee of the whole.

Mr. Lewis moved that the Senate go into committee of the whole on the bills entitled as follows:

"An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1872."

"An act to reappropriate moneys for construction of new works and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers."

"An act to reappropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of forty thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869."

The President put the question whether the Senate would concur in said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being entitled as follows:

"An act to reappropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of forty thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869."

Assembly, "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1872."

Assembly, "An act making appropriations for the payment of principal and interest on the canal debt commencing on the first day of October, 1872, and to provide for the payment of the debt contracted in violation of section 12 of article 7 of the Constitution."

After some time spent therein the President resumed the chair. Mr. Cook, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill was engrossed for a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Cock, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. D. P. Wood moved that the committee of the whole be discharged from further consideration of said bill, and that the words "in coin" be stricken from the bill wherever it occurs, and that the same be ordered to a third reading.

Mr. Johnson moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion of Mr. Johnson, and it was decided in the negative.

Mr. Lewis called for a division of the question.

The President put the question whether the Senate would agree to the first division of said motion of Mr. D. P. Wood, being in the words "that the committee of the whole be discharged from further consideration of said bill," and it was decided in the affirmative.

Mr. Johnson moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Madden	Wagner	
Cock	Johnson	Lord	Perry		1

FOR THE NEGATIVE.

Baker	Chatfield	Graham	McGowan	J. Wood	
Benedict	Dickinson	Harrower	D. P. Wood	Woodin	1
Howen					

The President put the question whether the Senate would agree to the second division of said motion of Mr. D. P. Wood, being in the words "and that the words 'in coin' be stricken from the bill wherever it occurs," and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Dickinson	Harrower	Wagner	J. Wood	
Howen	Graham	McGowan	D. P. Wood	Woodin	11
Chatfield					

FOR THE NEGATIVE.

Adams	Cock	Johnson	Lord	Perry	
Baker	Foster	Lewis	Madden		1

The President put the question whether the Senate would agree to the first division of said motion, being in the words "and that the same be ordered to a third reading," and it was decided in the affirmative.

Mr. Lewis moved to reconsider the vote striking out the words "in coin," and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Madden, the Senate adjourned.

river in the city of Elmira, and bonding said city to pay the expenses thereof."

"An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870."

"An act in relation to the Sea Cliff Grove and Metropolitan Camp Ground Association."

"An act requiring the highway tax of the New York Central Railroad Company through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town."

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The committee of conference appointed on the part of the Senate and the Assembly upon the matters in difference between the two bodies upon Assembly bill No. 118, entitled "An act to reorganize the local government of the city of New York," have considered the same, and have agreed to the following report :

That the Senate recede from their amendments providing for a board of assistant aldermen, retaining in office the present comptroller and commissioner of public works, and providing for the appointment of the commissioners of public safety by the judges of the superior court.

That the Assembly concur in the Senate amendments creating the office of chamberlain, and defining the powers and duties thereof. Also fixing the salaries of officers of the city of New York with some modifications. Also in the general amendments made by the Senate to perfect the bill.

The committee have found it impracticable to mention each amendment as agreed upon, and therefore respectfully submit as a part of their report the bill conformed to the above decisions in the details necessarily involved therein, and not amended except as to matters in difference submitted to your committee.

A. W. PALMER,  
D. P. WOOD,  
WM. B. WOODIN,  
*Senate Committee.*

T. G. ALVORD,  
RUSH C. HAWKINS,  
DANIEL G. FORT,  
CHAS. B. MORTON,  
D. T. PAIGE,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Winslow
Allen	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	Madden	Wagner	J. Wood
Benedict	Johnson	O'Brien	Weismann	Woodin
Bowen	Lewis	Palmer		

23

#### FOR THE NEGATIVE.

Chatfield	Cock	Lord	Murphy	Tiemann	5
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh south of Burton's brewery, on said river," with power to report complete, reported in favor of the passage of the same; which report was agreed to, and said bill ordered to a third reading.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the sale of intoxicating liquors, except in the cities of New York and Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to prohibit catching speckled trout in the county of Madison for the period of three years," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for a more complete town representation in boards of supervisors in all the counties in this State, except in the counties of New York and Kings," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the Young Men's Association for mutual improvement in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal chapter 287 of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relative to purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment, or decree," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed April 23, 1862," reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk; being supplementary to an act passed April 23, 1862," and have reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

ver in the city of Elmira, and bonding said city to pay the ex  
ereof."

"An act to amend an act entitled 'An act to incorporate the  
ial Exhibition Company, and to authorize said company to pu  
al estate in the city of New York, and to erect a building or bu  
hich shall be used as an industrial exhibition,' passed April 21,

"An act in relation to the Sea Cliff Grove and Metropolitan  
round Association."

"An act requiring the highway tax of the New York Central R  
ompany through the town of Macedon, Wayne county, to be a  
the repairs of certain highways in said town."

The President put the question whether the Senate would agree  
port of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The committee of conference appointed on the part of the Sena  
ie Assembly upon the matters in difference between the two bodie  
assembly bill No. 118, entitled "An act to reorganize the local g  
ient of the city of New York," have considered the same, and  
greed to the following report:

That the Senate recede from their amendments providing for a  
f assistant aldermen, retaining in office the present comptroll  
ommissioner of public works, and providing for the appointment  
ommissioners of public safety by the judges of the superior court.

That the Assembly concur in the Senate amendments creating th  
f chamberlain, and defining the powers and duties thereof. Also  
he salaries of officers of the city of New York with some modifi  
also in the general amendments made by the Senate to perfect the

The committee have found it impracticable to mention each s  
ment as agreed upon, and therefore respectfully submit as a part o  
port the bill conformed to the above decisions in the details nece  
involved therein, and not amended except as to matters in differen  
itted to your committee.

A. W. PALMER,  
D. P. WOOD,  
WM. B. WOODIN,  
*Senate Committee.*

T. G. ALVORD,  
RUSH C. HAWKINS,  
DANIEL G. FORT,  
CHAS. B. MORTON,  
D. T. PAIGE,

*Assembly Comm*

The President put the question whether the Senate would ag  
he report of the conference committee, and it was decided in the  
tive, a majority of all the members elected to the Senate voting in  
ereof, and three-fifths of said members being present, as follows

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Winalow
Allen	Foster	McGowan	Robertson	D. P. W
Aker	Graham	Madden	Wagner	J. Wood
Benedict	Johnson	O'Brien	Weismann	Woodin
Bowen	Lewis	Palmer		

#### FOR THE NEGATIVE.

Barfield	Cock	Lord	Murphy	Tiemann
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*Ordered*, That the Clerk return said bill to the Assembly, with  
age informing that the Senate have agreed to the report of the  
nce committee.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the Lansingburgh and Cohoes Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to cross over the Hudson river from some point on Van Schaick's Island, to the city of Cohoes, to some point in the village of Lansingburgh south of Burton's brewery, on said river," with power to report complete, reported in favor of the passage of the same; which report was agreed to and said bill ordered to a third reading.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the sale of intoxicating liquors, except in the cities of New York and Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to prohibit catching speckled trout in the county of Madison for the period of three years," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for a more complete town representation in boards of supervisors in all the counties in this State, except in the counties of New York and Kings," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the Young Men's Association for mutual improvement in the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to repeal chapter 287 of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relative to purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment, or decree," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk,' passed April 23, 1862," reported that they had made amendments thereto, and have amended the title so as to read as follows: "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk; being supplementary to an act passed April 23, 1862," and have reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole. The Assembly returned the following entitled bill, with a message that it had non-concurred in the passage of the same:



## FOR THE NEGATIVE.

Chatfield

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	D. P. Wood
Bowen	Graham	McGowan	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 766 of the Laws of 1871, entitled 'An act to allow the justices of the supreme court, assigned to hold the general terms thereof in the several judicial departments of this State, to fix the times and places of holding the same,' passed April 27, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Tiemann
Allen	Chatfield	Graham	Murphy	Wagner
Baker	Cock	Johnson	O'Brien	Weismann
Benedict	Dickinson	Lowery	Robertson	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Brooklyn Improvement Company to issue preferred and special stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Lewis	Murphy	Wagner
Baker	Cock	Lowery	O'Brien	Weismann
Benedict	Foster	McGowan	Robertson	J. Wood
Bowen	Graham	Madden	Tiemann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Murphy	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Dickinson	McGowan	Robertson	D. P. Wood
Benedict	Foster	Madden	Tiemann	Woodin
Bowen	Graham			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baker	Dickinson	McGowan	Tiemann	Winslow
Benedict	Foster	O'Brien	Wagner	D. P. Wood
Bowen	Harrower	Perry	Weismann	Woodin
Chatfield	Lowery	Robertson		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Tiemann offered the following :

*Whereas*, Charges have been made of gross frauds and oppression in the management of the department of buildings in the city of New York ; also frauds charged as to the erection of the market in the eighteenth ward, be it, therefore,

*Resolved*, That it be referred to the same committee that have in charge the investigation as to the third and ninth district court-houses in the city of New York to examine into the affairs of the said department of buildings in said city, and also into the affairs of said market, with full power to compel the attendance of witnesses, the production of books and papers, and to appoint a clerk and summon to their aid the sergeant-at-arms of the Senate, with power to sit during the recess of the Senate, and report back to the Senate at its next session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict presented the twenty-fifth annual report of the Regents of the University on the condition of the State Museum of Natural History ; which was laid on the table and ordered printed.

(See Doc. No. 83.)

Mr. Benedict offered the following :

*Resolved*, That 1,500 copies of the annual report of the Regents of the University be printed for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the speedy

## FOR THE NEGATIVE.

Chatfield

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to provide for the city of Binghamton with pure and wholesome water,' passed April 1, 1867, and the acts amendatory thereof," was read a third time. The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Lams	Cock	Johnson	Madden	Weisman
Len	Dickinson	Lewis	Robertson	Winslow
Medict	Foster	Lowery	Tiemann	D. P. Wood
Wen	Graham	McGowan	Wagner	Woodin
Chatfield				

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 766 of the Laws of 1867, entitled 'An act to allow the justices of the supreme court, assigned to the general terms thereof in the several judicial departments of the State, to fix the times and places of holding the same,' passed April 1, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Lams	Bowen	Foster	McGowan	Tiemann
Len	Chatfield	Graham	Murphy	Wagner
Ker	Cock	Johnson	O'Brien	Weisman
Medict	Dickinson	Lowery	Robertson	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Brooklyn Improvement Company to issue preferred and special stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Len	Chatfield	Lewis	Murphy	Wagner
Ker	Cock	Lowery	O'Brien	Weisman
Medict	Foster	McGowan	Robertson	J. Wood
Wen	Graham	Madden	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Johnson	Murphy	Wagner
Cock	Lowery	Perry	Weismann
Dickinson	McGowan	Robertson	D. P. Wood
Foster	Madden	Tiemann	Woodin
Graham			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Dickinson	McGowan	Tiemann	Winslow
Foster	O'Brien	Wagner	D. P. Wood
Harrower	Perry	Weismann	Woodin
Lowery	Robertson		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Tiemann offered the following :

*Whereas*, Charges have been made of gross frauds and oppression in the management of the department of buildings in the city of New York ; and whereas, it is charged as to the erection of the market in the eighteenth ward, be it, therefore,

*Resolved*, That it be referred to the same committee that have in charge the investigation as to the third and ninth district court-houses in the city of New York to examine into the affairs of the said department of buildings in said city, and also into the affairs of said market, with full power to compel the attendance of witnesses, the production of books and papers, and to appoint a clerk and summon to their aid the sergeant-at-arms of the Senate, with power to sit during the recess of the Senate, and report back to the Senate at its next session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict presented the twenty-fifth annual report of the Regents of the University on the condition of the State Museum of Natural History ; which was laid on the table and ordered printed.

(See Doc. No. 83.)

Mr. Benedict offered the following :

*Resolved*, That 1,500 copies of the annual report of the Regents of the University be printed for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the speedy

construction of sewers in a certain portion of the city of  
reported in favor of the passage of the same, with amendments.  
bill was committed to the committee of the whole.

The Assembly bill entitled "An act to authorize the Pelham  
chester Railroad Company to cross such arms of the sea, bays,  
navigable streams as may be found necessary to build said  
build draw-bridges over the same," was read a third time.

The President put the question whether the Senate would  
the final passage of said bill, and it was decided in the affirmative  
majority of all the members elected to the Senate voting in favor  
as follows:

**FOR THE AFFIRMATIVE.**

Adams	Bowen	Graham	Perry	W.
Allen	Chatfield	Johnson	Robertson	W.
Baker	Cock	Lowery	Tiemann	D.
Benedict	Foster	McGowan	Wagner	J.

*Ordered,* That the Clerk return said bill to the Assembly  
message informing that the Senate have concurred in the passage  
same.

The hour of twelve o'clock having arrived, the President  
the special order for that hour, being the bill entitled as follows:

"An act in relation to elections in the city and county of  
and to provide for ascertaining, by proper proofs, the citizens  
be entitled to the right of suffrage thereat."

Mr. D. P. Wood moved to postpone the consideration of  
order for half an hour.

The President put the question whether the Senate would  
motion, and it was decided in the affirmative.

Mr. Benedict moved that the Senate hold an executive  
o'clock and 45 minutes, *p. m.*

The President put the question whether the Senate would  
motion, and it was decided in the affirmative.

The Assembly bill entitled "An act relative to the Hudson  
Bridge and New England Railway Company, and authorizing  
sion of its road," was read a third time.

The President put the question whether the Senate would  
the final passage of said bill, and it was decided in the affirmative  
majority of all the members elected to the Senate voting in favor  
as follows:

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lewis	Perry	W.
Allen	Dickinson	Lowery	Robertson	J.
Baker	Foster	McGowan	Tiemann	W.
Benedict	Graham	Madden	Weismann	

*Ordered,* That the Clerk return said bill to the Assembly  
message informing that the Senate have concurred in the passage

The Assembly bill entitled "An act authorizing the com-  
maintenance of a highway from the north line of the town of  
wood, in the county of St. Lawrence, into township number  
lin county," was read a third time.

The President put the question whether the Senate would  
the final passage of said bill, and it was decided in the affirmative  
majority of all the members elected to the Senate voting in favor  
thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Cock	Johnson	Perry	Weismann	
n	Dickinson	Lewis	Robertson	Winslow	
er	Foster	Madden	Tiemann	D. P. Wood	
ttfield	Graham	Murphy	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to erect an armory in Greenpoint, nineteenth ward, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Cock	Harrower	Murphy	Weismann	
n	Dickinson	Johnson	Perry	Winslow	
er	Foster	Lord	Robertson	D. P. Wood	
ven	Graham	Lowery	Tiemann	J. Wood	
ttfield					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Chatfield	Graham	O'Brien	Weismann	
n	Cock	Harrower	Palmer	Winslow	
dict	Dickinson	Johnson	Perry	J. Wood	
en	Foster	Lowery	Tiemann		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making an appropriation to pay expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first of October, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

ms	Cock	Lord	Robertson	Winslow	
n	Dickinson	Lowery	Tiemann	D. P. Wood	
er	<del>Foster</del>	McGowan	Wagner	J. Wood	
en	Johnson	Palmer	Weismann	Woodin	
field	Lewis	Perry			22





*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act to incorporate the New York Rapid Transit company, and to authorize the said company to construct and operate an underground railway in the city of New York," having been announced for a third reading,

On motion of Mr. Johnson, and by unanimous consent, was amended as follows :

Add, at the end of section 6, the following words :

"But nothing herein contained shall authorize the construction of said road through or under any structure or work of art now located in the Central park, except by consent of the commissioners of public parks."

Add, at the end of section 10, the following words :

"Trains for way passengers shall be run as often as may be necessary for the accommodation of the public."

Mr. Tiemann moved that said bill be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Dickinson	Tiemann	8
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FOR THE NEGATIVE.

Clams	Cock	McGowan	Robertson	D. P. Wood	
Maker	Foster	Madden	Wagner	J. Wood	
Lowen	Graham	O'Brien	Weismann	Woodin	
Matfield	Johnson				17

Mr. Benedict moved to recommit said bill to the committee on railroads, with instructions to amend as follows :

Add, at the end of section 1, the following words :

"Books of subscription shall be opened by public notice within thirty days after the passage of this act by William H. Vanderbilt, Chauncey J. Depew, and Augustus Schell. Two per cent shall be paid in by each subscriber at the time of subscribing, and eight per cent within thirty days thereafter."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Dickinson	Perry	Tiemann	Weismann	5
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FOR THE NEGATIVE.

Allen	Cock	Lord	Robertson	D. P. Wood	
Maker	Foster	Madden	Wagner	J. Wood	
Lowen	Graham	O'Brien	Winslow	Woodin	
Matfield	Lewis	Palmer			18

Mr. Benedict moved to recommit said bill to the committee on railroads, with instructions to amend as follows :

Section 3, line 8, after the word "tunnel," insert the words "not less than one hundred feet in width."

Same section, line 9, after the word "railway," insert the words "with two or more tracks."

Same line, after the word "passengers," insert the words "and mails."

The President put the question whether the Senate said motion, and it was decided in the negative.

Mr. Benedict moved to recommit said bill to the committee, with instructions to amend as follows :

Section 4, line 4, after the word "Broadway," insert the Bowling Green or the westerly line of State street.

Line 5, after the word "underground," insert the words "or street."

Same line, after the word "thence," insert the word "and."

The President put the question whether the Senate would say aye, and it was decided in the negative.

Mr. Benedict moved to amend by striking out the words "or covered way," wherever they occur in section 4, and insert in lieu the words "or covered way."

The President put the question whether the Senate would say aye, and it was decided in the negative.

Mr. Tiemann moved to recommit said bill to the committee, with instructions to amend as follows :

In section 10, strike out the word "ten," and insert in lieu the word "five."

The President put the question whether the Senate would say aye, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	O'Brien	Tiemann
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FOR THE NEGATIVE.

Baker	Cock	Lord	Murphy
Benedict	Foster	McGowan	Robertson
Bowen	Graham	Madden	Wagner
Chatfield	Lewis		

Said bill was then read a third time.

The President put the question whether the Senate would say aye to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in person, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Lord	Palmer
Baker	Graham	Madden	Robertson
Bowen	Harrower	Murphy	Wagner
Chatfield	Johnson	O'Brien	Weismann
Cock	Lewis		

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Perry
Benedict	Lowery		

*Ordered*, That the Clerk deliver said bill to the Assembly for their concurrence therein.

The hour of half past twelve o'clock having arrived, the Assembly resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the right of the citizen to be entitled to the right of suffrage thereat."

And after some time spent therein, the hour of 1 o'clock, P. M., having arrived, the President resumed the chair.

the executive session; and, after some time spent therein, the doors were opened and legislative business resumed.

Mr. Palmer moved that the further consideration of the special order be postponed until this evening at half past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict moved that the bill entitled "An act relating to assessments in the city of New York," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Murphy, and by unanimous consent, the rule was suspended, and the committee of the whole was discharged from the further consideration of the bill entitled "An act for the relief of the Coney Island and Brooklyn Railroad Company," and the same was ordered to third reading.

Mr. Baker moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorize the board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river, at Cohoes, for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter 548 of the Laws of 1870," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to provide for the endowment of the Unadilla Academy."

"An act authorizing the construction of a bridge across the Hudson river at the city of Troy."

"An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association."

"An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to hold real estate for the purposes of its business."

"An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by pairing and macadamizing the same, and to raise money to make such improvement."

"An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses,' passed March 27, 1871."

"An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation."

"An act to amend an act entitled 'An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company,' passed April 7, 1872."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester."

"An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads, and slips in the cities of New York and Brooklyn, passed May 6, 1870."

"An act to provide for the improvement of the highways extending from Lansing street, Genesee street, and Caroline avenue in the village of West Troy to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town."

"An act to amend an act entitled 'An act to vest certain real estate belonging to the State in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868."

"An act for the removal of a certain burial-ground connected with the Second Reformed Church of Bethlehem to the Bethlehem Cemetery."

"An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango."

"An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York."

"An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. D. P. Wood moved that the bill entitled "An act for the security of mechanics and others erecting buildings, wharves, piers, bulk-heads or bridges, and furnishing materials therefor in any of the counties of this State," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868; being chapter 230 of the Laws of 1868, and the act amending the same, passed March 11, 1869; being chapter 824 of the Laws of 1869," reported adversely thereto.

Mr. Benedict moved to disagree with the report of the committee, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Benedict  
Chatfield

Lewis  
Murphy

Robertson

Weismann

D. P. Wood

## FOR THE NEGATIVE.

Adams	Foster	Lowery	Palmer	Wagner
Allen	Harrower	McGowan	Perry	Winslow
Baker	Johnson	Madden	Tiemann	J. Wood
Bowen	Lord			

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Pending the question of agreeing with the report of the committee,  
The hour of two o'clock having arrived, the Senate took a recess until  
half past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

On motion of Mr. Madden, the Senate adjourned.

## FRIDAY, APRIL 19, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to provide for the collection of expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of said sewers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to establish the St. Paul's Church at Rome, Italy, by a Board of Trustees in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Graham, from the committee on commerce and navigation, to which was referred the bill entitled "An act relating to the Pacific Mail Steamship Company authorizing the reduction of its capital stock, and prescribing qualifications of directors," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Johnson, from the committee on manufactures, to which was referred the Assembly bill entitled "An act in relation to the manufacture, quality, and inspection of gas," reported adversely thereto, which report was agreed to.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize the Board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river, at Cohoes, for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter 543 of the Laws of 1870."



Mr. Tiemann, from the committee on charitable and religious societies, to which was referred the bill entitled 'An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York,' reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act in relation to the college of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to incorporate the Saint Canisius College," reported adversely thereto, which report was agreed to.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the collection of the expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of such sewers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Murphy, and by unanimous consent, said bill was referred to the Senators from the county of Kings, with power to report complete.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prevent and punish certain fraudulent practices," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the Supreme Court Library at Binghamton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office which were not signed by the former clerk of said county of Montgomery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, and chemical purposes,' passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to challenges of

jurors in criminal cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Mary McGarrity the right, title, and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain land to Mary M. Imhorst," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the compensation of jurors in the city and county of New York," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Utica,' passed February 28, 1862; passed February 25, 1870," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the village of Middleport, in the county of Niagara," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Bowen, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Palmer	Weismann
Allen	Cock	Lowery	Perry	Winslow
Baker	Graham	McGowan	Robertson	J. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Bowen	Lewis	O'Brien		

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Mr. Benedict offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting him to return, for amendment, Senate bill No. 135, entitled "An act to discharge William Hoffman

from the debtors' jail in the city of New York, commonly called low street jail, and to discharge him from arrest and imprisonment on the orders of arrest, by virtue of which he is now imprisoned, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of a law, or any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action existed on January 1, 1871, and existed at the time of the passage of this act.

By unanimous consent, the rule was suspended in order that the resolution might be considered immediately.

The President put the question whether the Senate would concur in said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk was directed to deliver said resolution to the Assembly immediately, and request concurrence therein.

Mr. Perry, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the government of the city of Brooklyn," reported in favor of the passage of the bill with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, said bill was ordered printed.

Mr. Adams, from the committee on banks, to which was referred the bill entitled "An act to authorize the New York Loan and Trust Company to accept and execute certain trusts," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the select committee of nine, reported the following entitled bills:

"An act to amend an act entitled 'An act to prevent the manufacture and use of slung-shot and other dangerous weapons,' passed March 20, 1866."

"An act to amend an act entitled 'An act to incorporate the Rotterdam Water-works Company,' passed March 17, 1865."

"An act to confirm an assessment for the expense of paving a street in the city of Utica."

"An act in relation to the publication of notices and citations on amendments.]

Assembly, "An act granting to the West Shore Land and Improvement Company further powers."

Assembly, "An act in reference to the Young Men's Association for mutual improvement in the city of Albany."

"An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, and the several acts amendatory thereof."

Assembly, "An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town."

"An act to provide for the collection of assessments against Prospect park and the parade grounds in the county of Kings."

Assembly, "An act to authorize the Rondout and Kingston Gas-light Company to issue bonds for certain purposes."

Assembly, "An act to incorporate the Oswego Railroad Bridge Company, for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego."

Assembly, "An act to amend chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York.'"

"An act to incorporate the Buffalo Catholic Institute."

Assembly, "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861."

Assembly, "An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845;' passed December 14, 1847."

Assembly, "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act to encourage steam towage upon the canals of this State." [With amendments.]

The President put the question whether the Senate would agree to said report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

On motion of Mr. Johnson, and by unanimous consent, the bill entitled "An act to encourage steam towage upon the canals of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Tiemann
Allen	Graham	Lord	O'Brien	Weismann
Baker	Harrower	Lowery	Perry	D. P. Wood
Bowen	Johnson	McGowan	Robertson	J. Wood
Chatfield				

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Murphy, and by unanimous consent, the committee of the whole was discharged from the further consideration of the Assembly bill entitled "An act to incorporate the Catskill Water Company," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Graham	McGowan	Robertson	Winslow
Allen	Harrower	Murphy	Tiemann	D. P. Wood
Baker	Lewis	O'Brien	Wagner	J. Wood
Bowen	Lord	Palmer	Weismann	Woodin
Chatfield	Lowery	Perry		

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

Mr. Murphy, from the committee of Senators of Kings county, reported a bill which was referred the bill entitled "An act to provide for the payment of the expenses of constructing sewers in the city of Brooklyn, and to confirm the construction of such sewers," with power to report on the same. He reported the same complete, which report was agreed to, and the bill was ordered engrossed for a third reading.

On motion of Mr. Woodin, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and from Auburn to the Owasco lake,' passed April 15, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin
Chatfield				

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

## MOTION.

The President announced that the question pending was on the adverse report of the committee on railroads on the bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the same company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868; being chapter 230 of the Laws of 1868, and the act amending the same, passed March 11, 1869, chapter 824 of the Laws of 1869."

Mr. D. P. Wood moved that the report be laid upon the table.

The President put the question whether the Senate would agree to the motion, and it was decided in the negative.

Mr. Madden moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to the said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Johnson	Madden	Wagner
Allen	Graham	Lowery	O'Brien	Winslow
Baker	Harrower	McGowan	Tiemann	J. Wood
Bowen				

## FOR THE NEGATIVE.

Benedict	Lewis	Murphy	Robertson	D. P. Wood
Chatfield	Lord	Palmer	Weismann	Woodin
Cock				

The President then put the question whether the Senate would agree to said motion to lay the report upon the table, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Benedict	Johnson	Lowery	O'Brien	Weismann	
Chatfield	Lewis	McGowan	Palmer	D. P. Wood	
Cock	Lord	Murphy	Robertson	Woodin	1

## FOR THE NEGATIVE.

Adams	Bowen	Harrower	Tiemann	Winslow	
Allen	Foster	Madden	Wagner	J. Wood	
Baker	Graham				1

On motion of Mr. Palmer, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the bill entitled as follows :

"An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

After some time spent therein, the President resumed the chair, and Mr. Foster, from said committee, reported progress on said named bill and asked leave to sit again.

Mr. Palmer moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. D. P. Wood moved to postpone the adjournment of the present session indefinitely.

The President put the question whether the Senate would agree to said motion of Mr. D. P. Wood, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Palmer, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Winslow	
Baker	Foster	McGowan	Robertson	D. P. Wood	
Benedict	Harrower	Madden	Wagner	J. Wood	
Bowen	Lewis	Palmer	Weismann	Woodin	2

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann
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Mr. Palmer moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill having been announced for a third reading,

Mr. Tiemann moved to recommit the same to the committee on the affairs of cities, with instructions to amend as follows :

Section 13, line 14, after the words "New York," insert the words "such inspectors shall be counselors at law of at least ten years' standing in the city of New York."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Cock	Johnson	Lord	Tiemann
------	---------	------	---------



## FOR THE NEGATIVE.

Allen	Dickinson	Lowery	Perry	Win
Baker	Foster	McGowan	Robertson	D. P.
Benedict	Harrower	Madden	Wagner	J. W.
Bowen	Lewis	Palmer	Weismann	Woo

Mr. Tiemann moved to recommit said bill to the committee on affairs of cities, with instructions to amend as follows :

In section 93, line 7, strike out the word "county" and insert thereof the word "State."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Lord moved that said bill be recommitted to the committee on affairs of cities, with instructions to amend as follows :

In section 1, line 2, after the word "except," insert the words "of president and vice-president."

Strike out the same words in lines 10 and 11.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Lord moved that said bill be recommitted to the committee on affairs of cities, with instructions to amend as follows :

In section 5, line 2, strike out the word "four" and insert in its place the word "five."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Cock	Johnson	Lord	Tiemann
------	---------	------	---------

## FOR THE NEGATIVE.

Allen	Dickinson	Lowery	Perry	Win
Baker	Foster	McGowan	Robertson	D. P.
Benedict	Harrower	Madden	Wagner	J. W.
Bowen	Lewis	Palmer	Weismann	Woo

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Win
Baker	Foster	McGowan	Robertson	D. P.
Benedict	Harrower	Madden	Wagner	J. W.
Bowen	Lewis	Palmer	Weismann	Woo

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann
------	---------	------	---------

*Ordered*, That the Clerk deliver said bill to the Assembly, with their concurrence therein.

Mr. D. P. Wood moved that the Senate take a recess until seven o'clock, P. M., for the purpose of considering general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them."

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to incorporate the Batavia Library Association and appropriating certain money thereto."

"An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution relative to the election of a Regent of the University in the place of Erastus Corning, deceased, with a message that they had concurred in the passage of the same.

The Assembly returned the concurrent resolution requesting the Senators and Representatives in Congress from this State to secure such legislation as shall establish Albany as a port of entry, with a message that they had concurred in the passage of the same.

A message from the Assembly was received and read, requesting the concurrence of the Senate in a resolution, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to the Senate requesting them to allow their committee of conference on the bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 1, 1871, and to amend section 21 of said act," to sit with the Assembly committee on the amendments thereto.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly.

The Assembly sent for concurrence the bills entitled as follows:

"An act to incorporate the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to constitute a separate road district in the town of Palatine, in the county of Montgomery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah Cudlipp, and Elizabeth A. O'Keefe for and during their natural lives," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Elbridge and Skaneateles junction under the jurisdiction of the commissioners of highways of the town of Elbridge," which was read the first time, and by unanimous consent was

also read the second time, and referred to the committee on bridges.

"An act to amend an act entitled 'An act to authorize the of a stenographer for the county court and court of sessions, of Monroe,' being chapter 46 of the Laws of 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to open, widen, straighten, work and grade The town of Morrisania," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act for the incorporation and villages, passed December 7, 1847,' so far as the same relates to the village of North Tonawanda, Niagara county, passed April 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize Isabella Isler, wife of John Isler, and wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to devise, and convey certain real estate in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act amending chapter 637 of the Laws of 1886, entitled 'An act in relation to the college of the city of New York,' passed April 1886," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend 'An act to incorporate the village of Mount Pleasant,' passed May 2, 1835, and the several acts subsequent amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act repealing the act entitled 'An act to incorporate the Jervis Driving Park Association,' passed March 22, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to amend an act entitled 'An act to authorize the town of Yonkers to issue bonds for the purpose of raising money to build bridges over the Nepperhan river,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the College Point Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act legalizing the action of the town of Norfolk, Suffolk county, New York, in the purchase of a town hall and site," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 368 of the Laws of 1870, entitled 'An act in regard to public libraries incorporated in the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act relative to the widening, straightening, laying out

of the Boston post-road, Fordham avenue, and the King's Bridge  
l, in the town of West Farms, in the county of Westchester," which  
read the first time, and by unanimous consent was also read the  
nd time, and referred to the committee on roads and bridges.

An act to prevent the obstruction of highways in the county of Chau-  
qua by the accumulation of snows therein," which was read the first  
e, and by unanimous consent was also read the second time, and  
rred to the committee on roads and bridges.

An act to change the grade of One Hundred and Thirty-sixth and  
e Hundred and Thirty-seventh streets, between St. Ann's avenue and  
ress avenue, in the town of Morrisania, county of Westchester,"  
ch was read the first time, and by unanimous consent was also read  
second time, and referred to the committee on roads and bridges.

An act to incorporate the Society of Members of the New York  
ck Exchange for Mutual Relief in the city and county and State of  
w York," which was read the first time, and by unanimous consent  
also read the second time, and referred to the committee on the  
iciary.

An act to amend an act entitled 'An act to provide for the appoint-  
nt of police commissioners in the village of Green Island, Albany  
nty, and to establish a police force therein,' passed April 20, 1871,"  
ich was read the first time, and by unanimous consent was also read  
second time, and referred to the committee on the affairs of villages.

An act to amend the charter of the Orphan Asylum Society in the city  
New York," which was read the first time, and by unanimous consent  
also read the second time, and referred to the committee on chari-  
le and religious societies.

An act to release to Mary Ann Black certain real estate in the city of  
burn, in the county of Cayuga, of which Archibald Black, her late  
band, died seized," which was read the first time, and by unanimous  
sent was also read the second time, and referred to the committee on  
judiciary.

An act in relation to the highway in the town of Yonkers, known as  
atral road or avenue," which was read the first time, and by unani-  
us consent was also read the second time, and referred to the com-  
tee on roads and bridges.

An act authorizing the commissioners of public charities and correc-  
n in the city of New York to acquire title to portions of Ward's Island  
d the water rights surrounding the same," which was read the first  
e, and by unanimous consent was also read the second time, and  
rred to the committee on charitable and religious societies.

An act further to amend chapter 319 of the Laws of 1848, entitled  
a act for the incorporation of benevolent, charitable, scientific, and  
sionary societies,' and the several acts amendatory thereof," which  
s read the first time, and by unanimous consent was also read the  
ond time, and referred to the committee on charitable and religious  
ieties.

An act to release the interest of the people of this State in certain  
ds to Sarah Mann, and to authorize her to hold and convey the same,"  
ich was read the first time, and by unanimous consent was also read  
second time, and referred to the committee on the judiciary.

An act to incorporate the St. Patrick's Temperance and Benevolent  
society of Kingsbridgeville, in the county of Westchester," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious institutions.

"An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act further to amend chapter 864 of the Laws of 1867, entitled 'An act to authorize the drainage of marsh land,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act relative to the setting of fykes and other nets in the West and East rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to supply the city of New York with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the common council of the city of New York to construct a trunk sewer in Harrison street and raise money to defray the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the rebuilding of the bridge over the river between the towns of Clay, in the county of Onondaga and Hamilton, in the county of Oswego, at Caughdenoy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to incorporate the City of Savannah, Wayne county, New York,' passed April 15, 1867, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to repeal so much of chapter 868, Laws of 1867, relating to certain non-resident highway taxes in Clinton county, as the Old Military tract, as relate to non-resident lands in said county, and the payment of the taxes assessed and collected thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to provide for the widening and improvement of Park avenue, between Bridge street and Clinton avenue and Broadway, in the city of New York,' passed April 17, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of New York to issue the bonds of said city to provide for the taking of property for the United States building at the said city, and to provide for compensating the owners of the property so taken therefor," which was read

time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bowen, from the select committee of nine, reported the following entitled bills complete:

"An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the contracting board and the system of repairing the canals by contract, and to authorize the Canal Board to remove canal division agents and appoint such officers.' [With amendments.]

"An act to amend chapter 190 of the Laws of 1870 in relation to supervisors of the county of New York."

"An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York."

Assembly, "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 1, 1850."

"An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution." [With amendments.]

"An act relating to Pacific Mail Steamship Company authorizing the reduction of its capital stock, and prescribing its qualifications of directors."

"An act to incorporate the Manhattan Mercantile Association of New York."

Assembly, "An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, and of filing of papers recorded or filed in Montgomery county clerk's office which were not signed by the former clerk of said county of Montgomery."

"An act to amend an act passed April 23, 1867, for the relief of the captured and crippled in hospital."

Assembly, "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek.'"

Assembly, "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State." [With amendments.]

"An act to amend an act entitled 'An act to incorporate the House of the Evangelists in the city of New York,' passed May 8, 1870."

Assembly, "An act for the extension of the Utica, Chenango and Cortland railroad."

"An act to amend an act entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to amend the several acts in relation thereto,' passed March 26, 1868."

Assembly, "An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county."

Assembly, "An act in relation to a part of Mamaroneck avenue in the town of Mamaroneck, in the county of Westchester."

Assembly, "An act to authorize the election of an additional justice of the peace in the town ofodus, in the county of Wayne."

Assembly, "An act to release the interest of the State in certain lands of which Thomas Breen died seized to Margaret Breen, his widow."



Assembly, "An act in relation to Union avenue in the town of Mamaroneck and Rye, in the county of Westchester."

Assembly, "An act to release to George Buerckel and Magda the brother and sister of Henry Buerckel, deceased, all the right and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Westchester, State of New York."

"An act to incorporate the Auburn City Hospital."

Assembly, "An act regulating the sale of leaf tobacco in the State of New York." [With amendments.]

Assembly, "An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue in Westchester county."

The President put the question whether the Senate would concur in the said report, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The Assembly returned the concurrent resolution relative to the appointment of two commissioners to attend the International Conference for the Prevention of Crime to be held in the city of London, and a message that they had consented to the appointment of a committee to prepare a report thereon, and had appointed as such committee, on the part of the Assembly, Messrs. Alvord, E. E. Brown, Kingsland, May, and Ray.

Mr. Bowen, from the committee on public printing, to which was referred the resolution relative to printing extra copies of the report in the case of Senator James Wood, reported in favor of the passage of the following resolution:

*Resolved*, That one thousand copies of the testimony taken by the select committee of investigation in the case of Hon. James Wood be printed at the expense of the Senate, and the opinion of Judge Selden, be and is hereby ordered printed and distributed for the use of the Senate.

The President put the question whether the Senate would concur in the said resolution, and it was decided in the affirmative.

Mr. Robertson moved that the Assembly bill entitled "An act to amend an act to provide for the drainage and improvement of a part of the valley of the Hudson river in the town of Yonkers, and the laying out of certain roads in the same," be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the construction and repairing of certain wharves and piers in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for the construction of a town hall in the town of Rhinebeck, county of Dutchess," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes relating to proceedings for the drainage of swamps, marshes, and other wet lands, and for draining farm lands,' passed May 12, 1869,"

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Yonkers Lyceum of the village of Yonkers, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize the board of education of Union Free School District No. 9 of the town of Mount Pleasant to borrow money," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act relating to certain non-resident highway taxes in Essex county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act supplementary to chapter 800 of the Laws of 1871, entitled An act to incorporate the New York Railway Company for the purpose of providing rapid transit through the city and county of New York and Westchester county, and to provide for the construction and operation of railways therefor, and to amend the same,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on railroads.

By unanimous consent, Mr. Allen presented a memorial of Silas M. Stilwell relative to imprisonment for debt; which was read and referred to the committee on the judiciary.

On motion of Mr. Allen, said memorial was ordered printed.

Mr. Madden moved that the bill entitled "An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York, and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to appoint commissioners to make a survey of Richmond county and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," reported the same to the Senate for

its consideration, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal improvements, and to issue its bonds for the payment of the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lowery moved that the bill entitled "An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to the said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood moved that the bill entitled "An act for the relief of mechanics and others erecting buildings, wharves, piers, buoys, or bridges, and furnishing materials therefor in any of the counties of this State," be considered in the first committee of the whole at the next evening.

The President put the question whether the Senate would agree to the said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lord moved that the Assembly bill entitled "An act for the relief of the town of Perinton, in the county of Monroe," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to the said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills as follows :

"An act to incorporate the New York Warehouse and Railroad Company, and to provide improved wharves and warehouses in the city of New York; and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester."

Assembly, "An act for the relief of the town of Perinton, in the county of Monroe."

"An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica."

After some time spent therein, the President resumed the chair. Mr. Perry, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Perry, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Perry, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lewis moved that the committee of the whole be discharged.

for further consideration of the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," and that the same be recommitted to the committee on railroads, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict moved that the reports of the executive of the department of docks and the communications of the vice-president of the New York Pier and Warehouse Company, which were read in the committee of the whole upon the bill relative to the New York Warehouse and Railway Company, be printed and placed upon the files of the Senators. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act supplementary to chapter 300 of the Laws of 1871, entitled An act to incorporate the New York Railway Company for the purpose of providing rapid transit through the city and county of New York and Westchester county, and to provide for the construction and operation of railways therefor, and to amend the same,' passed April 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to incorporate the German American Loan and Mortgage Company."

After some time spent therein the President resumed the chair, and Mr. Dickinson, from said committee, reported in favor of the passage of said named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Madden, from the committee on railroads, to which was referred an Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," with power to report complete, reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act relating to the Pacific Mail Steamship Company authorizing the reduction of its capital stock and prescribing the qualification of directors."

"An act to provide for the expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of such sewers."

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the College Point Savings Bank," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Rochester Savings Bank Trust Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Johnson, the Senate adjourned.

## SATURDAY, APRIL 20, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Whitaker.

The journal of yesterday was read and approved.

Mr. Perry, from the select committee of nine, reported complete the following entitled bills:

Assembly, "An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county."

Assembly, "An act for the improvement of First street and Kent avenue in the city of Brooklyn."

Assembly, "An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association."

Assembly, "An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn."

Assembly, "An act to authorize the board of education of Union Free School District No. 9 of the town of Mount Pleasant to borrow money."

Assembly, "An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake."

Assembly, "An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870."

Assembly, "An act to provide for the adjusting of certain accounts of the city of Brooklyn."

Assembly, "An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870."

"An act to authorize the Lake Ontario Shore Railroad Company to run their road through the counties of Niagara and Erie."

"An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations."

Assembly, "An act to declare the day for holding the general State election a public holiday."

Assembly, "An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859."

Assembly, "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens."

"An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

Assembly, "An act to prohibit catching speckled trout in the county of Madison for the period of three years."

"An act to authorize the city of Oswego to borrow and disburse moneys for city purposes."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867."

Assembly, "An act to incorporate the Port Richmond Savings Bank."

Assembly, "An act entitled 'An act to amend an act to incorporate the city of Kingston,' passed March 29, 1872."

Assembly, "An act to incorporate the Whitestone Savings Bank."

Assembly, "An act to provide for the payment of certain indebtedness of the city of Elmira."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Dickinson presented a petition for an elevated railroad in Second avenue, New York; which was read and referred to the committee on railroads.

Mr. Weismann presented a petition of the College of Pharmacy of the city of New York for an appropriation; which was read and referred to the committee on finance.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866."

"An act to amend an act entitled 'An act to prevent the furtive possession and use of slung-shot and other dangerous weapons,' passed April 20, 1866."

"An act to amend an act entitled 'An act to incorporate the Amsterdam Water-works Company,' passed March 17, 1865."

"An act to provide for the collection of assessments against Prospect park and the Parade grounds in the county of Kings."

"An act in relation to the publication of notices and citations."

"An act to confirm an assessment for the expense of paving Broad street in the city of Utica."

"An act to encourage steam towage upon the canals of this State."

"An act to incorporate the Buffalo Catholic Institute."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, and the several acts amendatory thereof."

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

Mr. Bowen, from the committee on claims, to which was referred the Assembly bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the Transactions of the State Homeopathic Medical Society of the State of New York for the year 1872; which was laid on the table and ordered printed.

(See Doc. No. .)

The bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848, and the several acts amendatory thereof," was read a third time.



The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

**FOR THE AFFIRMATIVE.**

Adams	Foster	Lord	Tiemann	Winchell
Benedict	Harrower	Lowery	Wagner	D. P. Wood
Owen	Johnson	Perry	Weismann	
McKinstry	Lewis	Robertson		

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon for their concurrence therein.

The bill entitled "An act to incorporate the Buffalo Catholic College" was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

**FOR THE AFFIRMATIVE.**

Adams	Harrower	Lowery	Tiemann	Winchell
Benedict	Johnson	Perry	Wagner	D. P. Wood
Owen	Lewis	Robertson	Weismann	
Foster	Lord			

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon for their concurrence therein.

Mr. Robertson, from the committee on commerce and navigation, reported a bill which was referred to the Assembly bill entitled "An act relating to the setting of fykes and other nets in Harlem and East rivers," in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to encourage steam towage upon the waters of this State," was read a third time.

The President put the question whether the Senate would pass the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill as follows:

**FOR THE AFFIRMATIVE.**

Adams	Foster	Lord	Tiemann	Winchell
Baker	Harrower	Lowery	Wagner	D. P. Wood
Benedict	Johnson	Perry	Weismann	
Owen	Lewis	Robertson		

*Ordered,* That the Clerk deliver said bill to the Assembly, and report thereon for their concurrence therein.

Mr. Baker offered the following:

*Resolved,* That the bill entitled "An act to amend an act entitled 'An act supplementary to chapter 300 of the Laws of 1871, entitled 'An act to incorporate the New York Railway Company for the purpose of providing rapid transit through the city and county of New York and Westchester county, and to provide for the construction and operation of the same,' passed April 28, 1871," be and the same be committed to the committee on railroads, retaining its place on general orders."

The President put the question whether the Senate would agree to the resolution, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act

the furtive possession and use of slung-shot and other dangerous weapons,' passed April 20, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Robertson	Winslow
Allen	Harrower	Lowery	Tiemann	D. P. Wood
Baker	Johnson	Palmer	Wagner	Woodin
Benedict	Lewis	Perry	Weismann	10

## FOR THE NEGATIVE.

Bowen	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relating to the Pacific Mail Steamship Company authorizing the reduction of its capital stock and prescribing the qualifications of directors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Dickinson	Lord	Robertson	D. P. Wood
Baker	Foster	Lowery	Wagner	Woodin
Benedict	Harrower	Palmer	Weismann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Allen	Foster	Lord	Tiemann	D. P. Wood
Baker	Harrower	Lowery	Wagner	J. Wood
Bowen	Johnson	Perry	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Weismann
Allen	Dickinson	Lord	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Harrower	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved to reconsider the vote by which the Assembly bill entitled "An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings, and prescribing his powers and duties,'" was laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Robertson	Winslow
Allen	Dickinson	Lowery	Wagner	D. P. Wood
Baker	Foster	Palmer	Weismann	Woodin
Benedict	Harrower	Perry		

18

## FOR THE NEGATIVE.

Cock	Lord	Tiemann
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved to reconsider the vote by which the Assembly bill entitled "An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county," was laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Tiemann	Winslow
Allen	Foster	Palmer	Wagner	D. P. Wood
Baker	Harrower	Perry	Weismann	Woodin
Bowen	Lewis	Robertson		

18

## FOR THE NEGATIVE.

Cock Lord

2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act regulating the sale of leaf tobacco in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Robertson	Winslow
Allen	Harrower	Palmer	Wagner	D. P. Wood
Baker	Johnson	Perry	Weismann	Woodin
Cock	Lewis			

17

## FOR THE NEGATIVE.

Bowen Lord Tiemann

3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services, passed April 3, 1849 ;' passed February 2, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Foster	Lewis	Perry	Weismann
Baker	Graham	Lord	Robertson	D. P. Wood
Benedict	Harrower	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Amsterdam Water-works Company,' passed March 17, 1865," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	Winslow
Bowen	Harrower	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company for the purpose of constructing and

maintaining a bridge, appurtenances, and approaches to the same over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Weismann
Allen	Dickinson	Lowery	Tiemann	Winslow
Baker	Foster	Palmer	Wagner	Woodin
Benedict	Harrower	Perry		

18

## FOR THE NEGATIVE.

Lewis

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Robertson	Weismann
Allen	Dickinson	Lowery	Tiemann	D. P. Wood
Baker	Foster	Palmer	Wagner	Woodin
Benedict	Harrower	Perry		

18

## FOR THE NEGATIVE.

Bowen

Lewis

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the Coney Island and Brooklyn Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann	
Allen	Dickinson	Lord	Robertson	Winslow	
Baker	Foster	Lowery	Tiemann	D. P. Wood	
Benedict	Harrower	Palmer	Wagner	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend and define the limits of the village of Hornellsville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Lowery	Wagner	
Allen	Cock	Johnson	Palmer	Weismann	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Lord	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act requiring the highway tax of the New York Central railroad through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Wagner	
Allen	Cock	Johnson	Perry	Weismann	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Lowery	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Dickinson	Lewis	Perry	Weismann



Baker  
Benedict  
Bowen

Foster  
Harrower

Lord  
Lowery

Robertson  
Tiemann

D. P.  
Wood

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete a street in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Wagner
Allen	Cock	Johnson	Perry	Weinstein
Baker	Dickinson	Lewis	Robertson	D. P.
Benedict	Foster	Lowery	Tiemann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 190 of the Laws of 1860, entitled 'An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 1, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Robertson	Weinstein
Allen	Foster	Lowery	Tiemann	D. P.
Baker	Harrower	Perry	Wagner	Wood
Cock	Johnson			

#### FOR THE NEGATIVE.

Palmer

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the lighting of the streets and avenues in the town of Fishkill, in the county of Dutchess," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Dickinson	Lewis	Perry	Weinstein
Baker	Foster	Lord	Robertson	D. P.
Bowen	Harrower	Lowery	Tiemann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the building of iron bridges across the Chemung river in the city of Elmira, and bonding said city to pay the expenses thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner	
Allen	Dickinson	Lewis	Perry	Weismann	
Baker	Foster	Lord	Robertson	D. P. Wood	
Bowen	Harrower	Lowery	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Sea Cliff Grove and Metropolitan Camp Ground Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Robertson	Weismann	
Baker	Harrower	Lowery	Tiemann	D. P. Wood	
Cock	Johnson	Palmer	Wagner	Woodin	
Dickinson	Lewis	Perry			18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to confirm an assessment for the expense of paving Broad street in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner	
Baker	Dickinson	Lewis	Perry	Weismann	
Benedict	Foster	Lord	Robertson	D. P. Wood	
Bowen	Harrower	Lowery	Tiemann	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act granting to the West Shore Land and Improvement Company further powers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Wagner	
Baker	Dickinson	Lord	Robertson	Weismann	
Benedict	Foster	Lowery	Tiemann	D. P. Wood	
Bowen	Harrower	Palmer			18

## FOR THE NEGATIVE.

Johnson            Woodin

*Ordered*, That the Clerk return said bill to the Assembly, message informing that the Senate have concurred in the passage of same with an amendment.

The Assembly bill entitled "An act in reference to the Y. M. C. A. Association for mutual improvement in the city of Albany," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of same, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Ward
Baker	Dickinson	Lewis	Perry	Webster
Benedict	Foster	Lord	Robertson	D. M. Wood
Bowen	Harrower	Lowery	Tiemann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, message informing that the Senate have concurred in the passage of same.

The Assembly bill entitled "An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of same, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Ward
Allen	Dickinson	Lewis	Perry	Webster
Baker	Foster	Lord	Robertson	D. M. Wood
Benedict	Harrower	Lowery	Tiemann	Wood
Bowen				

*Ordered*, That the Clerk return said bill to the Assembly, message informing that the Senate have concurred in the passage of same, with amendments.

The Assembly bill entitled "An act to authorize the R. F. Kingston Gas-light Company to issue bonds for certain purposes," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of same, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Ward
Baker	Dickinson	Lewis	Perry	Webster
Benedict	Foster	Lord	Robertson	D. M. Wood
Bowen	Harrower	Lowery	Tiemann	Wood

*Ordered*, That the Clerk return said bill to the Assembly, message informing that the Senate have concurred in the passage of same.

The bill entitled "An act to provide for the collection of a tax against Prospect park and the Parade grounds in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner	
Baker	Dickinson	Lewis	Perry	Weismann	
Benedict	Foster	Lord	Robertson	D. P. Wood	
Bowen	Harrower	Lowery	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the county clerk of Montgomery county to sign certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office which were not signed by the former clerk of said county of Montgomery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Weismann	
Allen	Dickinson	Lewis	Robertson	Winslow	
Baker	Foster	Lord	Tiemann	D. P. Wood	
Benedict	Harrower	Lowery	Wagner	Woodin	
Bowen					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Winslow	
Allen	Dickinson	Lewis	Tiemann	D. P. Wood	
Baker	Foster	Lowery	Wagner	Woodin	
Benedict	Harrower	Palmer	Weismann		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river in the city of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lord	Tiemann	D. P. Wood
Benedict	Harrower	Lowery	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Harrower	Palmer	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Foster	Lord	Robertson	Winslow
Baker	Harrower	Lowery	Tiemann	D. P. Wood
Bowen	Johnson	Palmer	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the contracting board and the system of repairing the canals by contract, and to authorize the Canal Board to remove canal division agents and appoint such officers.'"

"An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution."

"An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York."

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town

and county accounts, passed May 10, 1845 ;' passed December 14, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weismann	
Allen	Cock	Johnson	Robertson	Winslow	
Baker	Dickinson	Lewis	Tiemann	D. P. Wood	
Benedict	Foster	Lord	Wagner	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann	
Allen	Dickinson	Lord	Robertson	Winslow	
Baker	Foster	Lowery	Tiemann	D. P. Wood	
Benedict	Harrower	Palmer	Wagner	Woodin	
Bowen	Johnson				22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Weismann	
Allen	Cock	Lewis	Robertson	Winslow	
Baker	Dickinson	Lowery	Tiemann	D. P. Wood	
Benedict	Foster	Palmer	Wagner	Woodin	20

## FOR THE NEGATIVE.

Johnson

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a



majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Perry	Wells
Allen	Dickinson	Lewis	Robertson	Winchell
Baker	Foster	Lord	Tiemann	D. P. Wood
Benedict	Harrower	Palmer	Wagner	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to secure religious ministrations to convicts in the State prisons and penitentiaries of this State" was then announced for a third reading.

Mr. Johnson moved that said bill be recommitted to the committee on charitable and religious societies, with instructions to strike out the amendment made in the select committee of nine.

Mr. D. P. Wood moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to the motion of Mr. D. P. Wood, and it was decided in the affirmative.

The Assembly returned the concurrent resolution relating to the appointment of two commissioners to represent the State in the International Congress for the Suppression of Crime to be held in London, with a message that they consent to a committee of conference to be appointed and have appointed as such committee, on behalf of the Assembly, Messrs. Alvord, E. E. Brown, Kingsland, Mackay, and Ray.

Mr. Lowery presented the report of the select committee appointed to investigate the subject of legislative postage; which was laid on the table and ordered printed.

(See Doc. No. 69.)

Mr. Baker moved that when the Senate adjourn to-day it adjourn next on Monday evening at half past seven o'clock.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

A message from the Governor was received and read, in the following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, April 20, 1871.

To the Senate:

In compliance with a concurrent resolution of the Senate passed on the 14th inst., I return herewith, for the purpose of amendment, Senate Bill No. 35, entitled "An act to discharge William Hoffman from the State Prison in the city of New York, commonly called the Ludlow Prison, and to discharge him from arrest and imprisonment under the writ of arrest, by virtue of which he is now imprisoned in said prison, and to exonerate his person from any existing or future arrest or attachment on any civil process in any civil action issuing out of any court of law, or on any execution issuing on any judgment rendered or to be rendered in any such action in every case in which the cause of action accrued since January 1, 1871, and existed at the time of the passage of said act."

JOHN T. HOFFMAN

Mr. Benedict moved to reconsider the vote by which said bill was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Perry	Weismann	
Baker	Foster	Lord	Robertson	D. P. Wood	
Benedict	Harrower	Lowery	Tiemann	Woodin	
Bowen	Johnson	Palmer	Wagner		19

On motion of Mr. Benedict, and by unanimous consent, said bill was amended as follows:

In section 3, line 9, printed bill, strike out the word "exclusive."

In same section, line 11, strike out all after and including the word "and" to the end of said section.

In section 4, line 3, after the word "arrest," insert the words "in proceedings under any existing law of this State."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Palmer	Wagner	
Allen	Cock	Lewis	Perry	Weismann	
Baker	Dickinson	Lord	Robertson	Woodin	
Benedict	Harrower	Lowery	Tiemann		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence in said amendments.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the board of education of the city and county of New York to establish a free academy in said city,' passed May 7, 1847, and the several acts amendatory thereof," reported adversely thereto, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act amending chapter 637 of the Laws of 1866, entitled 'An act in relation to the college of the city of New York,' passed April 17, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to amend the Revised Statutes entitled 'of public instruction,'" reported adversely thereto, which report was agreed to.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to amend an act to consolidate school districts Nos. 6 and 15 in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor, passed April 7, 1857," reported adversely thereto, which report was agreed to.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the New York and Canada Bridge Company," reported in favor of the passage of

the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen offered the following :

*Resolved*, That eight hundred additional copies of the last report of the New York Prison Association be printed for the use of the Legislature.

The President put the question whether the Senate would concur in said resolution, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with amendments, which they had concurred in the amendments of the Senate thereto :

"An act to prevent the taking of fish from Loon lake in the town of Wayland, Steuben county."

"An act to authorize the Ira Union Cemetery Association to take title to certain lands and lots, number twelve and number twenty of the original township of Cato, now Ira, in the county of Cato."

"An act to erect an armory in Greenpoint, seventeenth ward of the city of Brooklyn."

"An act confirming a conveyance of real estate to Dennis M. Bowen, authorizing him to hold real estate."

*Ordered*, That the Clerk return said bills to the Assembly.

The committee of conference appointed by the Senate and Assembly upon the matter of difference between the two Houses upon a bill entitled "An act to amend chapter 721 of the Laws of 1877," passed April 26, 1877, "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April 26, 1877, to repeal section 27 of said act, report that they have met again and consider thereon, and recommend that the following be adopted as a substitute for the said bill :

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April twenty-six, eighteen hundred and seventy-seven," is hereby amended so as to read as follows :

§ 1. No person or persons shall pursue or cause to be pursued any moose, elk, cariboo or wild deer, in any part or place within the State, except in the months of September and October, and in the first ten days of the month of November in any year ; but it shall not be lawful to pursue deer with dogs in the county of Albany. Any person violating the provisions of this section, by pursuing or ensnaring or entrapping any moose, elk, cariboo or wild deer, or by killing any of said animals contrary to the provisions hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of fifty dollars, or be imprisoned in the county jail for a term not exceeding three months, or both, at the discretion of the court, for each and every offense. The possession by any person of a carcass or green hide of any such animal, except during the time herein provided for in killing the same, shall be deemed prima facie evidence that such person is in whose possession such carcass or green hide is found, killed or taken, to which said carcass or green hide belonged ; and it shall be unlawful to sell, transport or carry the carcass and hide, or carcass alone, or green hide, of any moose, elk, cariboo or wild deer, except during the time or time herein specified in which such animals may be killed.

owner or owners, or corporations owning or running any line of stages, steamboats or railroads, and the owner or owners of any private conveyance upon which any carcass or green hide of such animals shall be found or conveyed, shall be subject to a penalty of fifty dollars for each and every offense.

§ 2. Section twenty-one of said act is hereby amended so as to read as follows:

§ 21. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any salmon-trout or lake trout, in the months of October, November, December, January and February, under a penalty of ten dollars for each fish, except that in Otsego lake fish may be caught or killed by hook and line only, but they may be had alive for artificial propagation or the stocking of other waters.

§ 3. Nothing in this act contained shall in any manner affect or apply to the waters of the river St. Lawrence, the lakes in Jefferson county, or the waters of lake Ontario, except Irondequoit bay.

§ 4. Section fifth of said act is hereby repealed, except as it applies to that portion of the Great South bay, in the county of Suffolk, lying between Smith's Point and Quogue, and to the bays lying upon the southern portion of the counties of Queens and Kings.

§ 5. Section six of said act is hereby amended so as to read as follows:

§ 6. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any woodcock, between February first and July third under a penalty of fifty dollars for each bird.

§ 6. The twenty-seventh section of said act is hereby amended so as to read as follows:

§ 27. No person shall use any purse or pound net for the catching of fish in Port Washington or Manhasset bays, in the county of Queens, under a penalty of fifty dollars.

§ 7. Section twenty-eight of said act is hereby amended so as to read as follows:

§ 28. No person shall at any time take any fish with a net, spear or trap of any kind, or set any trap, net, weir or pot with intent to catch fish in any of the fresh waters or canals in this State, except as hereinbefore or hereinafter provided; nor shall it be lawful at any time to draw any seine or net for the taking of fish in any portion of Flushing bay or its branches, nor in Lakes Canandaigua, Cayuga, Oneida, Champlain, Great Sodus bay, in the county of Wayne, or the inlets thereof; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of twenty-five dollars for each offense; but suckers, catfish, bull-heads, bony fish or moss-bunkers, eels, white-fish, shad, herring and minnows, are exempted from the operation of this section, also pike, in all waters save those lying in Columbia county and Oneida and Cayuga lakes and their inlets; provided, however, that nothing in this section shall be so construed as to legalize the use of gill-nets in any of the inland waters or canals in this State; nor seines or nets of any kind in the waters of Otsego lake, except from the first day of March to the last day of August, and no gill-nets except during the months of July and August. But no such seine or net shall have meshes less than two inches in size, and in the Hudson river, the meshes of all gill-nets and set-nets shall not be less than four and one-half inches in size each, and those of fykes set in any of the waters surrounding Long Island, Fire Island, Staten Island and the bays and salt water, estuaries and rivers approaching thereto, to

be not less than four and one-half inches in size; and any person who shall willfully injure or destroy, by grappling or otherwise, any fish in the Hudson or East rivers for the purpose of catching shad, shall be liable to a penalty of twenty-five dollars for each offense, and if no payment thereof, shall be imprisoned in the county jail of the county within whose jurisdiction the offense may be committed, for a term not less than thirty days. All drawing of seines in the Susquehanna river is prohibited.

§ 8. The thirtieth section of said act is hereby repealed.

§ 9. No person shall catch, with a hook and line or other contrivance, pickerel, perch or bass from the Goodhue or Cranberry lakes, in the towns of Addison and Thurston, county of Steuben, from the first day of December to the twentieth day of May of each year, under a penalty of ten dollars for each fish so taken or had in possession, and the same to be recovered as already provided for in chapter seven hundred and twenty-one of Laws of eighteen hundred and seventy-one.

§ 10. This act shall take effect immediately.

Amend the title so as to read as follows:

"An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and add a new section 80 of said act."

E. HOLDRIDGE,  
JOHN S. MARCY,  
W. W. ENOS,  
TIMOTHY J. CAMPBELL,  
GEO. M. SWAIN,

TOWNSEND D. CROSSLAND,  
G. T. HARROWER,  
*Senate Committee.*

*Assembly Committee.*

The President put the question whether the Senate would concur in the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Wagner
Allen	Dickinson	Lewis	Perry	Wells
Baker	Foster	Lord	Robertson	D. B. Roberts
Benedict	Harrower	Lowery	Tiemann	Wood
Bowen				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

On motion of Mr. Tiemann, the Senate adjourned.

MONDAY, APRIL 22, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of Saturday was read and approved.

The Assembly returned the Assembly bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing

and employees that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees and providing for the payment of the expenses thereof," with a message that they had non-concurred in the report of the conference committee on said bill, and request another committee of conference, and have appointed as such committee, on the part of the Assembly, Messrs. Niles, L. D. Brown, Houghton, Sage, and Roche, and request a like committee on the part of the Senate.

Mr. D. P. Wood moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Saugerties, Ulster county, and for the more effectual protection of said village against fires."

Mr. Cook moved that the said bill be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then referred to the committee on the affairs of villages.

Mr. Tiemann presented a remonstrance against an elevated railroad on Third avenue in New York city; which was read and referred to the committee on railroads.

The Assembly bill entitled "An act to declare the day for holding the general State election a public holiday," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Perry	Wagner
Baker	Harrower	Madden	Robertson	Weismann
Benedict	Lewis	Palmer	Tiemann	D. P. Wood
Cook				

16

#### FOR THE NEGATIVE.

Johnson	Lord
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2

Mr. Robertson moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. Lewis moved that the present order of business be laid upon the table, and that the Senate proceed to the consideration of general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict moved that the consideration of general orders be confined to such bills as, under the rule, cannot be considered in the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."



"An act to amend an act entitled 'An act to incorporate the House of the Evangelists in the city of New York,' passed May 6, 1870."

"An act to amend an act entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to amend the several acts in relation thereto,' passed March 26, 1868."

"An act to amend chapter 190 of the Laws of 1870 in relation to supervisors of the county of New York."

"An act to incorporate the Auburn City Hospital."

"An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica."

"An act to authorize the Lake Ontario Shore Railroad Company to run their road through the counties of Niagara and Erie."

"An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations."

"An act to incorporate the Manhattan Mercantile Association of New York."

"An act to incorporate the German American Loan and Mortgage Company."

Mr. Tiemann, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to establish the St. Paul's Church at Rome, Italy, by a board of trustees in New York city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to regulate life insurance companies to restore impaired reserve, and also to transfer their business and to regulate the same."

"An act for the security of mechanics and others erecting buildings, wharves, piers, bulk-heads or bridges, and furnishing materials therefor in any of the counties of this State."

"An act to amend 'An act to provide for the incorporation of religious societies,' passed April 5, 1813."

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported progress on said named bills, and asked and obtained leave to sit again.

Mr. Adams, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Albany to issue the bonds of said city to provide for the taking of property for an United States building at the said city, and to provide for compensating the owners of the property so taken therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield moved that the Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Adams moved that the Assembly bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lewis moved that the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville," be committed to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca."

Assembly, "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

"An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Chatfield moved that said bill be recommitted to the committee on canals, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. D. P. Wood moved that the Assembly bill entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the Salt Springs and the manufacture of salt,' passed April 15, 1859," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Harrower moved that the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Chemung canal in the village of Watkins, in Schuyler county," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict moved that the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York."

Assembly, "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the Salt Springs and the manufacture of salt,' passed April 15, 1859."

After some time spent therein the President resumed the chair, and Mr. Baker, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Baker, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Cock, the Senate adjourned.

## TUESDAY, APRIL 23, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Marshall.

The journal of yesterday was read and approved.

Pursuant to the ninth joint rule, the Senate proceeded to the order of business of the third reading of bills.

The bill entitled "An act to incorporate the Auburn City Hospital," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

### FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Murphy	Wagner
Baker	Foster	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	Winslow
Chatfield	Harrower	Madden	Tiemann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Tiemann
Baker	Dickinson	Johnson	Murphy	Wagner
Benedict	Foster	Lowery	Palmer	Weismann
Bowen	Graham	McGowan	Robertson	Winslow
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen, from the select committee of nine, reported complete the bills entitled as follows :

Assembly, "An act to repeal chapter 287 of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines.'"

"An act to amend an act entitled 'An act to revise the charter of the city of Utica, passed February 28, 1862;' passed February 25, 1870."

Assembly, "An act to incorporate the Brooklyn City Safe Deposit Company."

Assembly, "An act to incorporate the Young Men's Universalist Association of the city of New York."

Assembly, "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869."

Assembly, "An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house, keeper's dwelling, etc."

Assembly, "An act to authorize the common council of the city of Albany to issue the bonds of said city, to provide for the taking of property for an United States building at the said city, and to provide for compensating the owners of the property so taken therefor."

Assembly, "An act to amend an act entitled 'An act to amend article 4 of title 4 of chapter 11 of part 1 of the Revised Statutes of division and other fences.'"

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The Assembly bill entitled "An act in relation to a part of Mamaroneck avenue in the town of Mamaroneck, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Tiemann	
Baker	Foster	Lowery	Palmer	Wagner	
Chatfield	Graham	McGowan	Perry	Weismann	
Cock	Lewis	Murphy	Robertson	Winslow	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the board of education of Union Free School District No. 9 of the town of Mount Pleasant to borrow money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Murphy	Robt
Baker	Cock	Harrower	O'Brien	Tier
Benedict	Dickinson	Lowery	Palmer	Wag
Bowen	Foster	McGowan	Perry	Wel

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the Monetary Association of the village of Havana, Schuyler county, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said burial-ground in the said association," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	O'Brien	Tier
Baker	Graham	Lord	Palmer	Wag
Chatfield	Harrower	Lowery	Perry	Wel
Cock	Johnson	McGowan	Robertson	D. F
Dickinson				

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the town of Tonawanda, in the county of Monroe," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Tier
Baker	Cock	Harrower	Palmer	Wag
Benedict	Dickinson	Lewis	Perry	Wel
Bowen	Foster	Lord	Robertson	Win

*Ordered,* That the Clerk return said bill to the Assembly, with message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act for the improvement of the Hudson river, and to make an appropriation therefor," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Wag
Baker	Dickinson	Lewis	Perry	Wel
Benedict	Foster	Lowery	Robertson	Win
Chatfield	Graham	Madden	Tiemann	D. F

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The Assembly bill entitled "An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Stams	Foster	Lewis	Murphy	Tiemann
Walker	Graham	Lowery	Palmer	Wagner
Matfield	Harrower	McGowan	Perry	Weismann
Clark	Johnson	Madden	Robertson	Winslow
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same. The bill entitled "An act to provide for the collection of the expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of such sewers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Stams	Dickinson	Lewis	<del>Madden</del>	Tiemann
Walker	Foster	Lord	Murphy	Wagner
Benedict	Graham	Lowery	Perry	Weismann
Matfield	Harrower	McGowan	Robertson	Winslow
Clark				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the contracting board and the system of repairing the canals by contract, and to authorize the Canal Board to remove canal division agents and appoint such officers,' " having been pronounced for a third reading,

Mr. Johnson moved that the same be recommitted to the committee on the whole.

The President put the question whether the Senate would agree to the motion, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return to this House, for the purpose of amendment, Assembly bill No. 288, entitled "An act to provide for the litigation and payment of certain claims and expenses incurred by direction of the Governor and Attorney-General in the city of New York."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered the return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.



The Assembly returned the bill entitled "An act in relation to the city and county of New York, and to provide for ascertainment of proper proofs, the citizens who shall be entitled to the right of suffrage thereat," with a message that they had concurred in the passage of the same, with the following amendment :

Amend section 1 by inserting, after the words "New York," the words "and county of New York," in lines 6 and 7, printed bill, the words "surrogate of the city and county of New York, recorder of the city of New York, city judge of the county of New York."

The President put the question whether the Senate would concur in said amendment, and it was decided in the affirmative, by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Wells
Baker	Dickinson	Lewis	Perry	Winchell
Benedict	Foster	Lowery	Robertson	D. B. Smith
Bowen	Graham	Madden	Wagner	J. V. Smith

FOR THE NEGATIVE.

Cock	Johnson	Tiemann
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Baker moved that the Assembly bill entitled "An act to amend chapter 190 of the Laws of 1850, an act entitled 'An act to authorize the formation of railroads, and to regulate the same,' passed April 2, 1850," be referred to the committee on railroads, retaining its place on general orders.

The President put the question whether the Senate would concur in said motion, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 190 of the Laws of 1850, an act to amend chapter 190 of the Laws of 1850, in relation to supervisors of the county of New York," was read the first time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative, by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Perry	Wells
Benedict	Graham	Lowery	Robertson	Winchell
Chatfield	Harrower	Murphy	Tiemann	D. B. Smith
Dickinson	Johnson	Palmer	Wagner	J. V. Smith

*Ordered*, That the Clerk deliver said bill to the Assembly, with their concurrence therein.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act in relation to courts and justices of the peace in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The bill entitled "An act to establish the compensation of judges and surrogates pursuant to the fifteenth section of the sixth article of the Constitution," having been announced for reading,

On motion of Mr. Graham, and by unanimous consent, was read the first time, as follows :

In section 3, line 12, strike out the word "Schoharie."

Same section, line 9, after the word "Cortland," insert the word "Schoharie."

Same section, line 7, after the word "Yates," strike out the word "Steuben."

Same section, line 8, after the word "Rockland," insert the word "Steuben," and change the word "county" to "counties."

On motion of Mr. Madden, and by unanimous consent, said bill was amended as follows:

In section 3, line 10, strike out the word "Sullivan."

Same section, line 5, after the word "Yates," insert the word "Sullivan."

In section 2, line 9, strike out the word "Orange."

Same section, line 7, after the word "Dutchess," insert the word "Orange."

On motion of Mr. Bowen, and by unanimous consent, said bill was amended as follows:

In section 1, line 20, strike out the word "Niagara."

Same section, line 16, before the word "Orange," insert the word "Niagara."

In section 2, line 14, strike out the word "Niagara."

Same section, line 12, after the word "Chautauqua," insert the word "Niagara."

On motion of Mr. Robertson, and by unanimous consent, said bill was amended as follows:

Strike out line 15 of section 3.

In section 3, line 14, change the word "county" to "counties."

Same line, after the word "of," insert the words "Putnam and."

Add, at the end of line 14, section 3, the word "each."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	D. P. Wood
Bowen	Graham	McGowan	Wagner	J. Wood
Chatfield	Harrower	Madden		

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Tiemann, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the charter of the Orphan Asylum Society in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to incorporate the Manhattan Mercantile Association of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weiss
Baker	Dickinson	Lewis	Robertson	D. P.
Benedict	Foster	Lowery	Wagner	J. W.
Chatfield	Graham			

## FOR THE NEGATIVE.

Bowen	Perry	Winslow
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*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to rate the House of the Evangelists in the city of New York,' passed March 6, 1870," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows:

## FOR THE AFFIRMATIVE.

Adams	Harrower	Madden	Tiemann	Winslow
Chatfield	Johnson	O'Brien	Wagner	D. P.
Dickinson	Lowery	Robertson	Weismann	J. W.
Graham	McGowan			

*Ordered,* That the Clerk deliver said bill to the Assembly, and their concurrence therein.

The Assembly bill entitled "An act for the extension of the Chenango and Cortland railroad," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor of the bill, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Tiemann	Winslow
Baker	Cock	McGowan	Wagner	D. P.
Benedict	Graham	Perry	Weismann	J. W.
Bowen	Harrower	Robertson		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to authorize the construction of the New York and Oswego Midland Railroad, and to amend the several acts in relation thereto,' passed March 6, 1870," was read a third time.

The President put the question whether the Senate would concur in the final passage of said bill, and it was decided in the affirmative by a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow
Baker	Graham	McGowan	Robertson	D. P.
Benedict	Harrower	Madden	Wagner	J. W.
Chatfield	Johnson	O'Brien	Weismann	

## FOR THE NEGATIVE.

Tiemann

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to Union avenue in the towns of Mamaroneck and Rye, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann	
Baker	Graham	Madden	Robertson	D. P. Wood	
Bowen	Harrower	O'Brien	Tiemann	J. Wood	
Chatfield	Lewis	Palmer	Wagner		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow	
Baker	Foster	Lowery	Tiemann	D. P. Wood	
Bowen	Graham	McGowan	Wagner	J. Wood	
Chatfield	Harrower	Perry	Weismann		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the bill entitled "An act to regulate elections in the city of Brooklyn," with a message that they had concurred in the passage of the same, with the following amendment:

In section 4, at the end of line 6, after the word "person," insert the words "not more than two of whom shall be of the same political party."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Benedict	Foster	Lowery	Wagner	J. Wood	
Bowen	Graham	McGowan			18

## FOR THE NEGATIVE.

Murphy	O'Brien	Tiemann		3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment to the same.

Mr. Graham moved to take from the table the motion to reconsider

the vote by which the bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Murphy	Wagner
Baker	Graham	Lord	Perry	Weismann
Bowen	Harrower	Lowery	Robertson	D. P. Wood
Chatfield	Johnson	McGowan	Tiemann	J. Wood

Mr. Graham moved that said bill be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue in Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Baker	Cock	Lowery	Robertson	Winslow
Benedict	Graham	McGowan	Tiemann	D. P. Wood
Bowen	Harrower	Murphy	Wagner	J. Wood

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the improvement of First street and Kent avenue, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weismann
Baker	Dickinson	Johnson	Robertson	Winslow
Bowen	Foster	Lewis	Tiemann	D. P. Wood
Chatfield	Graham	Lowery	Wagner	

FOR THE NEGATIVE.

Murphy

Mr. Perry moved that the vote by which said bill was passed be reconsidered, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The bill entitled "An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann	
Baker	Dickinson	Lewis	Robertson	Winslow	
Bowen	Foster	Lowery	Tiemann	D. P. Wood	
Chatfield	Graham	McGowan	Wagner	J. Wood	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the speedy construction of sewers in a certain portion of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Weismann	
Baker	Dickinson	Lewis	Robertson	Winslow	
Bowen	Foster	Lowery	Tiemann	D. P. Wood	
Chatfield	Graham	McGowan	Wagner	J. Wood	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to provide for the adjusting of certain accounts of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann	
Baker	Cock	Lord	Robertson	Winslow	
Benedict	Dickinson	Lowery	Tiemann	D. P. Wood	
Bowen	Graham	McGowan	Wagner	J. Wood	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Weismann	
Baker	Dickinson	Lord	Robertson	Winslow	
Benedict	Foster	Lowery	Tiemann	D. P. Wood	
Chatfield	Graham	McGowan	Wagner	J. Wood	20



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the Lake Ontario Shore Railroad Company to run their road through the counties of Niagara and Erie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Robertson	Winslow
Baker	Cock	Harrower	Tiemann	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	Perry	Weismann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Perry	Weismann
Benedict	Graham	Lowery	Robertson	Winslow
Chatfield	Harrower	McGowan	Tiemann	D. P. Wood
Cock	Lewis	Murphy	Wagner	J. Wood
Dickinson				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Perry	Weismann
Baker	Cock	Harrower	Robertson	Winslow
Benedict	Dickinson	Lowery	Tiemann	D. P. Wood
Bowen	Foster	McGowan	Wagner	J. Wood
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	Winslow
Benedict	Graham	Lowery	Tiemann	D. P. Wood
Chatfield	Harrower	McGowan	Wagner	J. Wood
Cock				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Weismann
Baker	Dickinson	Johnson	Robertson	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Chatfield	Graham	McGowan	Wagner	19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to prohibit catching speckled trout in the county of Madison for the period of three years," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Tiemann
Baker	Cock	Lewis	Palmer	Wagner
Benedict	Dickinson	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	J. Wood
				20

FOR THE NEGATIVE.

D. P. Wood	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Wagner
Baker	Cock	Harrower	O'Brien	Weismann
Benedict	Dickinson	Lewis	Robertson	D. P. Wood
Bowen	Foster	Lowery	Tiemann	J. Wood
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Port Richmond Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Weismann
Baker	Cock	McGowan	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	J. Wood
Böwen	Lewis	Perry		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to incorporate the German American Loan and Mortgage Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lowery	Robertson	Weismann
Benedict	Graham	McGowan	Tiemann	Winslow
Chatfield	Harrower	Madden	Wagner	D. P. Wood
Cock	Lewis			

17

FOR THE NEGATIVE.

Adams	Palmer	J. Wood	
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Kingston,' passed March 29, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Weismann
Baker	Dickinson	Lewis	Perry	Winslow
Benedict	Foster	Lowery	Robertson	D. P. Wood
Böwen	Graham	McGowan	Wagner	J. Wood
Chatfield				

31

FOR THE NEGATIVE.

Tiemann	
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Whitestone Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann	
Baker	Dickinson	Lowery	Robertson	Winslow	
Benedict	Foster	McGowan	Tiemann	D. P. Wood	
Chatfield	Graham	Madden	Wagner	J. Wood	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Johnson moved to take from the table the bill entitled "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State."

The President put the question whether the Senate would agree to said motion; and it was decided in the affirmative.

Mr. Johnson moved to recommit said bill to the committee on charitable and religious societies, with instructions to strike out, at the end of section 2, the words "when such convict is dangerously ill," and report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	O'Brien	Tiemann	
Benedict	Johnson	Madden	Perry	Weismann	
Cock	Lord	Murphy	Robertson	J. Wood	
Dickinson					16

## FOR THE NEGATIVE.

Bowen	Graham	Lewis	Wagner	D. P. Wood	
Chatfield	Harrower				7

The Assembly bill entitled "An act to repeal chapter 287 of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Murphy	Wagner	
Baker	Foster	Lewis	O'Brien	Winslow	
Benedict	Graham	Lord	Perry	D. P. Wood	
Bowen	Harrower	McGowan	Robertson	J. Wood	
Chatfield					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved that the session be extended ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Baker, from the committee on charitable and religious societies, to which was recommitted the Assembly bill entitled "An act to secure

religious ministrations to convicts in the State prisons, penitentiaries, and other penal institutions of this State," reported the same back to the Senate, pursuant to instructions.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baker	Foster	Lowery	O'Brien	Tiemann
Benedict	Johnson	Madden	Perry	Weismann
Cock	Lord	Murphy	Robertson	Winslow
Dickinson				

16

**FOR THE NEGATIVE.**

Adams	Chatfield	Harrower	Wagner	J. Wood
Bowen	Graham	Lewis	D. P. Wood	

9

Mr. Madden moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lowery	O'Brien	Tiemann
Baker	Foster	Madden	Perry	Weismann
Benedict	Johnson	Murphy	Robertson	Winslow
Cock	Lord			

17

**FOR THE NEGATIVE.**

Bowen	Graham	Lewis	D. P. Wood	J. Wood
Chatfield	Harrower	Wagner		

8

The hour of ten minutes past two o'clock having arrived, the Senate took a recess until half-past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to release to Frederick Schleuter all the right, title, and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly sent for concurrence the following:

*Whereas*, At the last session of the Legislature, the following amendment to the Constitution was passed in Senate and Assembly, viz:

That section 2 of article 2 of the Constitution of this State be amended so that it shall read as follows:

"§ 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and for depriving every person who shall make or become, directly or indirectly, interested in any wager depending upon the result

of any election, or who shall pay, give or receive, or promise to pay or give money or other property or valuable consideration, with intent to influence any elector in giving his vote, or to deter any elector from voting, or from the right to vote at such election, or from holding any office voted for at such election;" and

*Whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the then next general election of Senators; and

*Whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section 1 of article 13 of the Constitution; therefore,

*Resolved* (if the Senate concur), That the Assembly do agree to the proposed amendment.

*Ordered*, That said resolution be laid upon the table.

A message from the Assembly was received and read as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor to return to this House, for amendment, Assembly bill No. 558, G. O. 636, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

The President put the question whether the Senate would agree to concur in said resolution, and it was decided in the affirmative.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal so much of chapter 868, Laws of 1867, being an act relating to certain non-resident highway taxes in Clinton county and the 'old military tract,' as relate to non-resident lands in Franklin county, and the payment of the taxes assessed and collected from the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to constitute a separate road district in the town of Palatine, in the county of Montgomery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to the highway in the town of Yonkers known as Central road or avenue," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to change the grade of One Hundred and Thirty-sixth and One Hundred and Thirty-seventh streets, between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to open, widen, straighten, work, and grade Third avenue, in the town of Morrisania," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was



referred the Assembly bill entitled "An act to prevent the obstruction of highways in the county of Chautauqua by the accumulation of snows therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Saugerties, Ulster county, and for the more effectual protection of said village against fires," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex,' passed April 14, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the rebuilding of the bridge over the Oneida river between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Eldridge and Skaneateles junction under the jurisdiction of the commissioners of highways in the town of Elbridge," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act repealing the act entitled 'An act to incorporate the Port Jervis Driving Park Association,' passed March 22, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to his Excellency the Governor requesting the return, for amendment, of Senate bill No. 191, entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Bowen moved that no bills be considered in the committee of the whole that can be referred to the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield moved that the bill entitled "An act relative to the Washington Street and State Asylum Railroad Company," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

“An act to incorporate the Long Island City and Maspeth Railway Company.”

“An act relative to the Washington Street and State Asylum Railroad Company.”

“An act to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States.”

After some time spent therein, the President resumed the chair, and Mr. Weismann, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Weismann, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Weismann, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Madden moved that said bill be made a special order for to-morrow evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. O'Brien moved that the bill entitled “An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof,” be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

“An act to amend an act entitled ‘An act to incorporate the Binghamton and Port Dickinson Railroad Company.’”

Assembly, “An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof.”

“An act for the security of mechanics and others erecting buildings, wharves, piers, bulk-heads or bridges, and furnishing materials therefor in any of the counties of this State.”

After some time spent therein the President resumed the chair, and Mr. Winslow, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Winslow, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Winslow, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent his Excellency the Governor requesting him to return, for amendment, Assembly bill No. 189, entitled "An act to incorporate the Mamarone and Rye Neck Fire Department."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act further to amend chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh land,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act legalizing the action of the town of Norfolk, St. Lawrence county, N. Y., in the purchase of a town hall and site," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act regulating the sale of leaf tobacco in the city of New York."

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act to incorporate the Oswego Railroad Bridge Company for the purpose of constructing and maintaining a railroad bridge across the Oswego river in the city of Oswego."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Dickinson moved that the following entitled Assembly bills be considered in the first committee of the whole:

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.'"

"An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Benedict moved that the Assembly bill entitled "An act in relation to the appointment of clerk, deputy clerk, and other officers of the court of special sessions of the peace in and for the city and county of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter 572 of the Laws of 1870, entitled 'An act to amend an act entitled 'An act in relation to election

in the city and county of New York," with a message that they had concurred in the passage of the same, with the following amendments:

In section 1, line 9, after the word "district," at the end of said line, insert the words "and shall sit until nine o'clock, P. M., of each day."

Strike out all of section 19, and in lieu thereof insert the following:

"§ 19. This act shall not apply, except in incorporated cities and villages containing over ten thousand inhabitants each, as determined by the last census."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Wagner	D. P. Wood	
Baker	Foster	Lowery	Weismann	J. Wood	
Benedict	Graham	Perry	Winslow	Woodin	
Chatfield	Harrower	Robertson			18

FOR THE NEGATIVE.

Lord	Madden	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment to the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act in relation to the appointment of clerk, deputy clerk, and other officers of the court of special sessions of the peace in and for the city and county of New York."

"An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same."

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.'"

After some time spent therein, the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of said named bills, which report was agreed to, and said bills ordered to a third reading.

The President appointed as a committee of conference upon the Assembly bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of expenses thereof,'" Messrs. D. P. Wood, Lewis, and Johnson.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the appointment of a conference committee on the same.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to enable the legal voters of any town to determine, by ballot, whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away therein of

intoxicating liquors, shall be prohibited; and to regulate the sale for medicinal, mechanical, chemical, or sacramental use, and to provide for the enforcement of this act," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Winslow moved that said bill be printed and made a special order for Thursday evening next at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Murphy, the Senate adjourned.

### WEDNESDAY, APRIL 24, 1872.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Murphy presented a remonstrance against the widening of Nevins street, Brooklyn; which was read and referred to the committee on the affairs of cities.

Also, a remonstrance against the widening of Boerum street, Brooklyn; which was read and referred to the committee on the affairs of cities.

Mr. Madden presented a petition in favor of an elevated railway on Second avenue, New York; which was read and referred to the committee on railroads.

Mr. Graham presented two petitions in favor of an act to amend the charter of the Sidney and Unadilla Bridge Company; which were read and referred to the committee on roads and bridges.

Mr. Chatfield presented a remonstrance against amending the charter of the Sidney and Unadilla Bridge Company; which was read and referred to the committee on roads and bridges.

Mr. Palmer presented a petition relative to a public road in the county of Dutchess; which was read and referred to the committee on roads and bridges.

Mr. Weismann presented a petition of the trustees of the Patriot Orphan Home in the town of Flushing; which was read and referred to the committee on the judiciary.

A message from the Governor was received and read in the following words:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 24, 1872. }

*To the Senate:*

I return, without approval, Senate bill No. 143, entitled "An act relating to the town officers and local government of Newtown, in Queen's county."

The bill alters, in many particulars, the form of local government and the powers of the town officers in this one town.

I have felt it my duty to withhold my official sanction from bills of this character. It is not wise, in my judgment, for the Legislature to undertake to govern every town separately; its duty is best discharged by

prescribing, in the general laws, as has been done, a form of government for this numerous class of municipalities, and then leaving the people of each town, who have ample powers to do so under present laws, to guard against wrongs and to remedy them.

If the people fail or neglect to do their duty to themselves in any one town, they should not be encouraged in applications to the Legislature for special relief. If defects can be shown to exist in the present form of town government, the remedy is to amend the general laws.

This bill provides that, in this one town, only one justice of the peace shall be entitled to preside over the town meeting, which right belongs, by the general laws, to all the justices; and as this presiding over the town meeting carries with it the power of appointing the third or minority inspector of elections for the three election districts of the town, at the general election, it places in the hands of one man a power which, under the general laws, it has been thought wise to confide in the whole body of justices, or a majority of them. It authorizes the inspectors of one of the three election districts into which the town is divided to be inspectors of election at the town meeting, taking this duty out of the hands of the regular town officers as provided by the general laws of the State.

It confers on the supervisor alone the power of filling vacancies occurring in certain town offices for filling which vacancies other provisions are now made by law. In addition to these and other special provisions, which, if desirable at all, should be applied to all the towns of the State, the bill alters, for this one town, the general assessment law of the State and the manner of its administration. It provides that the assessors of this town shall have power to issue process and compel the attendance of such tax-payers as they think ought to be assessed for personal property, and any person who fails to obey the summons, or answer any questions put by the assessors, shall be assessed at their discretion, and shall not be entitled to the right of review and correction of such assessment given by the general laws of the State.

It is obvious that most oppressive discrimination and injustice might be practiced under this power. Notice might be sent to a tax-payer while away from home, and he would be deprived of the right of having an erroneous assessment against him corrected, which his neighbors enjoy by law.

Moreover, it would put it in the power of the assessors to favor some, and do wrong to others of the tax-payers. Those whom they did not choose to summon would be left to enjoy the right of review and correction granted by the laws to all persons in such cases.

If this provision is a proper one, it should be incorporated into the general tax law of the State. It has no proper place in a law relating to one town. The provisions of the general law regulating the mode of levying and assessing taxes ought, if sufficient for other towns in the State, to be sufficient for Newtown. •

It is claimed there are peculiar reasons for extraordinary legislation at this time, for this particular town, connected with the personal unfitness of the present justices for their duties. It is singular, if this be so, that this bill, while taking from the justices their general power to preside over town meetings, forbids any appropriation of money by the people of the town, unless the same shall first be proposed by the board of town auditors, of which board the justices constitute a majority of two-thirds.



Whatever be the facts, I am confident it is better to submit to temporary evils, until they can be remedied by the people in the ordinary method, than to seek to cure them by special laws such as this. Such laws tend only to encouraging the people in leaning unnecessarily on the Legislature, and in neglecting the active care of their own interests at home.

JOHN T. HOFFMAN.

Mr. Cock moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Also the following message from the Governor was received and read:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 24, 1872. }

*to the Senate :*

I return, without approval, Senate bill No. 357, entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' association."

All that the parties interested in this bill desire they can obtain by incorporating themselves under the general laws of the State; either under the law passed in 1855 for the incorporation of agricultural societies, or under the law passed at the present session of the Legislature relating to driving park and park associations, being chapter 248 of the Laws of 1872.

JOHN T. HOFFMAN.

Mr. Winslow moved that said message be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bills entitled as follows:

"An act to regulate elections in the city of Brooklyn."

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

"An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter 2 of the Laws of 1871, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

*Ordered,* That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town."

"An act for the relief of the town of Perinton, in the county of Monroe."

"An act to amend chapter 778 of the Laws of 1871 reappropriating certain moneys for the construction of new work upon, and extraordinary repairs of, the canals of this State."

"An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete Douglass street in said city."

"An act granting to the West Shore Land and Improvement Company further powers."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act to incorporate the Oswegatchie Bridge Company."

"An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens."

"An act to provide for a vote of the inhabitants of the towns of Little Falls, Manheim, and Danube, in the county of Herkimer, upon the question of the completion of the bridge over the Mohawk river at Fink's basin, in the county of Herkimer, and to provide for the payment of the indebtedness incurred by the commissioners appointed under chapter 903 of the Laws of 1869 of said towns on account of said bridge."

"An act to extend Monhagen avenue in the town of Wallkill, Orange county."

"An act to provide for increased penalties for riding or driving any animal or animals across bridges or over rivers in the town of Brasher, St. Lawrence county."

"An act to amend the charter of the American Bible Society."

"An act to incorporate the Walden Savings Bank."

"An act to amend chapter 165 of the Laws 1869, entitled 'An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof,' passed April 14, 1869; and also to authorize the city of Buffalo to issue bonds for laying out, improving, and embellishing the same."

"An act to amend an act entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,' passed April 21, 1871."

"An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes, and to levy and collect a tax to pay the same."

"An act supplemental to, and amendatory of, chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages, and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868 in relation to carrying letters, packages, and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.' "

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds, and fish,' passed April 26, 1871; also to repeal section 30 of said act," with a message that they had concurred in the report of the committee of conference thereon.

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act concerning the Syracuse Branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate of which William West died seized, situate at Long Island City, in the county of Queens, to Caroline West," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act for the suppression of the trade in, and circulation of, obscene literature, illustrations, advertisements, and articles of indecent or immoral use; and obscene advertisements of patent medicines and articles for producing abortion," reported that they have made some amendments thereto, and have amended the title so as to read as follows: "An act for the suppression of the trade in, and circulation of, obscene literature, illustrations, advertisements, and articles of indecent or immoral use; and obscene advertisements of patent medicines and articles for producing abortion, and to amend and revise chapter 430 of the Laws of 1868," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the application of the Board of Foreign Missions of the Reformed Protestant Dutch Church asking for a change of name, reported by bill entitled as follows: "An act to change the name of the Board of Foreign Missions of the Reformed Protestant Dutch Church to Board of Foreign Missions of the Reformed Church in America," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing the creation of the office of State Inspector of Cattle, and the appointment of an inspector thereto, such inspector to be located and resident at the city of Buffalo in this State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide an assistant clerk for the court of general sessions of the peace in and for the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Society of Members of the New York Stock Exchange for Mutual Relief in the city, county, and State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park in the city of Brooklyn,' passed April 24, 1868," reported in favor of the passage of the same, with amendments.

On motion of Mr. Murphy, and by unanimous consent, said bill was ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the East and West Martinsburgh burial-grounds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions in the county of Monroe,' being chapter 46 of the Laws of 1864," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize Isabella Isler, wife of John Isler; Adelle Isler, wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to hold, devise, and convey certain real estate in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of this State in certain lands to Sarah Mann, and to authorize her to hold and convey the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland Cemetery in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was

referred the Assembly bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenland Cemetery, and elect officers for the management of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp, and Elizabeth A. O'Keefe for and during their natural lives," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of the Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported correctly engrossed the bills entitled as follows:

"An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville."

"An act to authorize the extension and construction of railroad track in Tenth street and other streets and avenues in the city of New York."

"An act relating to the New York Society for the Relief of the Ruptured and Crippled."

"An act to amend an act entitled 'An act to revise the charter of the city of Utica, passed February 28, 1862;' passed February 25, 1870."

"An act relative to the Washington Street and State Asylum Railroad Company."

"An act to incorporate the Long Island City and Maspeth Railroad Company."

"An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company.'"

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Chemung canal in the village of Watkins, in Schuyler county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of cities and villages,' passed December 1847, so far as the same relates to the village of North Tonawanda, Niagara county, passed April 17, 1871," reported in favor of the passage of the same.

On motion of Mr. Bowen, and by unanimous consent, said bill was ordered to a third reading.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868."

Assembly, "An act to legalize and to provide for the election of trustees of Sleepy Hollow Cemetery at Tarrytown, and to confirm their official acts." [With amendments.]

Assembly, "An act to amend the charter of the Orphan Asylum Society in the city of New York."

Assembly, "An act in relation to the Supreme Court Library at Binghamton."

Assembly, "An act to change the grade of One Hundred and Thirty-sixth and One Hundred and Thirty-seventh streets, between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester."

Assembly, "An act to repeal so much of chapter 868, Laws of 1867, being an act relating to certain resident highway taxes in Clinton county, and the 'old military tract' as relate to non-resident lands in Franklin county, and the payment of the taxes assessed and collected from the same."

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn."

Assembly, "An act to open, widen, straighten, work, and grade Third avenue in the town of Morrisania."

Assembly, "An act to release to Mary McGarrity the right, title, and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn."

Assembly, "An act in relation to the highway in the town of Yonkers, known as Central road or avenue."

Assembly, "An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie."

Assembly, "An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867."

Assembly, "An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857."

Assembly, "An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex,' passed April 14, 1841."

Assembly, "An act to prevent and punish certain fraudulent practices."

Assembly, "An act to provide for the erection of a town hall in the town of Rhinebeck, county of Dutchess."

Assembly, "An act relative to the setting of fykes and other nets in Harlem and East rivers."

"An act to establish the St. Paul's Church at Rome, Italy, by a board of trustees in New York city."

"An act to incorporate the Yonkers Lyceum of the village of Yonkers, in the county of Westchester."

Assembly, "An act to incorporate the College Point Savings Bank."

Assembly, "An act to amend 'An act authorizing the trustees of the



village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company,' passed May 3, 1869."

Assembly, "An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof as a tax upon the village of Lima and the town of Lima, said county."

Assembly, "An act to legalize the acts and proceedings of William Seymour, a justice of the peace of the town of Greig, county of Lewis."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to courts and justices in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete certain streets in said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street, and raise money to pay for the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," reported in favor of the passage of the same.

On motion of Mr. Chatfield, and by unanimous consent, said bill was ordered to a third reading.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to empower the levying of a tax on Union School District No. 1 in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Governor was received and read in the following words:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 24, 1872. }

*To the Senate:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for correction, Senate bill No 191, entitled "An act to

authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow	
Allen	Chatfield	McGowan	Robertson	D. P. Wood	
Baker	Foster	Madden	Wagner	J. Wood	
Benedict	Harrower	O'Brien	Weismann	Woodin	20

FOR THE NEGATIVE.

Johnson	1
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Mr. Tiemann moved that said bill be recommitted to committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Winslow	J. Wood	
Bowen	Graham	Tiemann			8

FOR THE NEGATIVE.

Adams	Dickinson	Lowery	O'Brien	Wagner	
Baker	Foster	McGowan	Perry	Weismann	
Benedict	Lord	Madden	Robertson	D. P. Wood	
Chatfield					16

Mr. Tiemann moved to lay said bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Madden moved that said bill be recommitted to the committee on railroads, with instructions to amend the title.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act relating to courts of record and other courts in the city and county of New York," with a message that they had passed the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. There shall be a clerk of the marine court of the city of New York, and of the court of general sessions in said city, who shall be appointed by the judges of said courts, and be removable at their pleasure. The clerks shall have the power to appoint their assistants, or deputy clerks, not exceeding the number now provided by law, and shall be responsible for the faithful discharge by them of their duties. The said clerks shall receive a salary equal to that now provided by law. There shall be a clerk and an assistant clerk in each of the district courts in said city, who shall be appointed by the justices of said courts; they shall also hold office, perform the same duties, and possess the same power prescribed by law. The said clerks shall receive a salary of three thousand dollars per annum. The comptroller of the city of New York is authorized and directed to pay the salary of the clerks provided for by this act in monthly installments out of the city treasury. Immediately

after the appointment of the clerks as herein provided, the term of office of the present clerks of said courts shall cease.

"§ 2. The judges of the supreme court, the superior court, the court of common pleas, and of the marine court, shall have power to appoint four officers for each part in said courts, and the judges of the court of general sessions in said city of New York shall appoint such officers to attend said respective court as to the judges of said court shall appear to be necessary. The salaries of said officers shall be fixed by the common council of said city, and paid out of the city treasury in monthly installments; but the salary of each officer or attendant shall in no case exceed twelve hundred dollars per annum. Such officers may be removed by the court, but their successors shall be appointed by the judges of the court making such removal. Provided, however, that no other officers or clerks shall be appointed by said judges than is herein or by law provided for, neither shall any officers or clerks for said courts be appointed by any other person or authority.

"§ 3. The clerk, the assistants or deputy clerks, and all other attendants of said courts, shall receive no fees or compensations for their own use whatever, for any services by them performed by virtue of their offices, other than their salaries.

"§ 4. Section second of chapter seven hundred and eighty-four of the laws of eighteen hundred and sixty-seven, passed April twenty-five, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

"§ 2. It shall be the duty of every stenographer, so appointed, to attend the part or trial term of the court to which he shall be assigned, where issues of fact are tried, and under the direction of the presiding justice thereof to take full stenographic notes of all proceedings in every trial thereat, and in case the presiding justice, at any such trial, shall require a transcript of said stenographic notes, such stenographer shall make and furnish the same to said justice free of all charge. The fees of the stenographer for transcripts of his notes, when made at the request of any party to an action or his attorney, shall be ten cents for every folio of one hundred words, and, in the event of an appeal, the prevailing party shall be allowed to be taxed in his costs the necessary expense paid by him to the stenographer for a transcript of the stenographic notes upon the trial, provided the amount recovered in the action shall be one hundred dollars or more, and that the amount of fees to be taxed for such transcripts shall not exceed fifteen dollars in any one case. It shall be the duty of the stenographer, at the request of any party to an action, or his attorney, to furnish transcripts of his notes at the rate of ten cents per folio of one hundred words.

"§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

"§ 6. This act shall take effect immediately."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	Winslow
Benedict	Graham	Murphy	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield	Johnson			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the formation of corporations to provide the members thereof with lots of land suitable for homesteads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the unadjusted claims of the soldiers in the war of eighteen hundred and twelve," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act for the relief of the Standard Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to establish a board of police and fire commissioners of the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to the capital stock of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the improvement of Myrtle avenue in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the holding of courts of oyer and terminer for the trial of certain cases by justices of the supreme court to be assigned for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the New Paltz Savings Bank,' passed March 22, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act authorizing the Canal Commissioners to settle for work done under the contract for raising tow-path on sections numbers twelve, thirteen, sixteen, twenty-two, and twenty-three of the extension of the Chenango canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal to connect Munger and Averill

streets in said city,' passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize the Canal Commissioners to construct a bridge over the Erie canal, at Austin street, in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act to provide for the incorporation of insurance companies, passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act in relation to proceedings for the safe keeping and care of lunatics," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company to the Crosstown Railroad Company of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act for the improvement of the main, middle, and north branches of Grass river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to establish a rapid transit steam ferry between Westchester county and New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to incorporate the New York and Queens County Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the city of New York and the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad ;' also, chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company, to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company ;' also, relative to the stock of said railroad company held or owned by the town of Schoharie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act authorizing the holding of the courts required to be held in the county of Warren at the village of Glen's Falls until the completion of the new court-house in said county," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Madden, from the committee on railroads, to which was recommended the bill entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," reported that they have amended the title, pursuant to instructions, so as to read as follows: "An act to amend an act entitled 'An act to authorize the construction of a railroad through Twenty-third street, in the city of New York,' passed May 10, 1869, so as to authorize the comptroller of the city of New York to carry into effect the powers conferred by the first section of the above act, upon the commissioners of the sinking fund of the city of New York, in relation to the advertising and sale of the franchise for building such railroad, to the highest bidder, on paying the amount of such bid or giving security for such payment satisfactory to said comptroller, so as to authorize the said comptroller to issue the certificate of title to such grant mentioned in said first section of said act to Sidney A. Yeomans, or to his assigns, and granting all the rights, privileges, powers, and benefits conferred and prescribed in the second, third, and fourth sections of said act to said Sidney A. Yeomans and his assigns, and requiring him or his assigns to finish, complete, and equip said road within eight months from the time of receiving such certificate."

Mr. Tiemann moved to lay said bill upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Graham	Lewis	Tiemann	J. Wood	
Bowen					6

FOR THE NEGATIVE.

Adams	Chatfield	Foster	Madden	Wagner	
Baker	Cock	Harrower	O'Brien	Weismann	
Benedict	Dickinson	McGowan	Robertson	D. P. Wood	15

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	O'Brien	Wagner	
Baker	Dickinson	Lowery	Perry	Weismann	
Benedict	Foster	McGowan	Robertson	D. P. Wood	
Chatfield	Harrower	Madden			18

FOR THE NEGATIVE.

Allen	Graham	Tiemann	J. Wood	Woodin	
Bowen	Lewis	Winslow			8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence in said amendments.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act to amend section 10 of title 3, and section 1 of title 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.



By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act to authorize the Patriot Orphan Home to convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bowen asked and obtained leave to introduce a bill entitled "An act to authorize the selection and location and purchase of certain grounds for a public park in the city of Lockport, and to provide for the maintenance and establishment thereof," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bowen, and by unanimous consent, said bill was ordered engrossed for a third reading.

By unanimous consent, Mr. Dickinson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to allow the Mutual Protection Life Assurance Society to increase its capital,' passed April 29, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Lowery asked and obtained leave to introduce a bill entitled "An act to enable the several cities and towns of the State, which have not already done so, to refund the money expended in furnishing substitutes, or in commutation by the men who were drafted into the military service of the United States, and held to service in the several drafts under the conscription act of the United States, entitled 'An act for enrolling and calling out the national forces, and for other purposes, approved March 3, 1863, and the acts amendatory thereto,' while the option of the commutation by the payment of \$300 remained, and for the relief of the men who entered the service under said drafts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to filling sunken lots in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act further defining the powers and authority of the board of audit created under chapter 9 of the Laws of 1872, passed January 30, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The hour of twelve o'clock having arrived, the President announced that, pursuant to law and agreeably to a joint resolution of the Senate and Assembly, the Senate would proceed to nominate a candidate for Regent of the University to supply the vacancy occasioned by the death of Erastus Corning.

Whereupon each Senator, as his name was called, rose in his place and named as follows :

#### FOR HENRY R. PIERSON.

Adams	Chatfield	Lewis	Perry	Winslow
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Wagner	J. Wood
Benedict	Graham	Palmer	Weismann	Woodin
Bowen	Harrower			

## FOR WILLIAM CRESWELL DOANE.

Cock	Johnson	Lord	Murphy	Tiemann	8
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A quorum having voted, and a majority having named Henry R. Pierson as their choice, the President announced that Henry R. Pierson, of the city of Albany, had been nominated, on the part of the Senate, as a candidate for the office of Regent of the University to supply the vacancy occasioned by the death of Erastus Corning.

Mr. Palmer offered the following:

*Resolved*, That a committee of two be appointed to wait on the Assembly and inform that body that the Senate have made nominations for the office of Regent of the University, and are prepared to meet the Assembly in joint convention to compare nominations.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The bill entitled "An act to amend an act passed April 23, 1867, for the relief of the ruptured and crippled in hospital," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Lord	Tiemann	Winslow
Baker	Cock	Lowery	Wagner	D. P. Wood
Benedict	Harrower	O'Brien	Weismann	Woodin
Bowen	Lewis	Robertson		III

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to release the interest of the State in certain lands of which Thomas Breen died seized to Margaret Breen, his widow," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Madden	Wagner
Baker	Dickinson	Lewis	O'Brien	Weismann
Benedict	Foster	Lord	Perry	Winslow
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	Woodin
				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of cities and villages, passed December 7, 1847, so far as the same relates to the village of North Tonawanda, Niagara county,' passed April 17, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Wagner
Allen	Dickinson	Johnson	Perry	Winslow
Baker	Foster	Lewis	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	J. Wood
Chatfield				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title, and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Lowery	Wagner
Allen	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lord	Tiemann	D. P. Wood
Bowen	Graham			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Murphy	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	Woodin
Chatfield	Harrower	Madden		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the payment of certain indebtedness of the city of Elmira," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Weismann
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Dickinson	Lowery	Tiemann	J. Wood
Benedict	Graham	McGowan	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Messrs. Alvord and Aitken, a committee from the Assembly, appeared in the Senate, and announced that the Assembly had made nominations for the office of Regent of the University, and are ready to meet the Senate in joint convention to compare nominations.

The Senate accordingly proceeded to the Assembly chamber, and, on comparing nominations, they were found to agree in the name of Henry R. Pierson.

Whereupon the President declared that Henry R. Pierson, of the city of Albany, had been duly elected Regent of the University to supply the vacancy occasioned by the death of Erastus Corning, deceased.

The Senate thereupon returned to the Senate chamber, when the President announced the foregoing proceedings as having taken place.

The bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, was amended as follows :

Strike out the whole of section 3 of said bill.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Woodin	
Chatfield	Foster	O'Brien	Weismann		9

FOR THE NEGATIVE.

Allen	Dickinson	Lewis	Tiemann	J. Wood	
Bowen	Johnson	Perry	Winslow		9

Mr. Benedict moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	D. P. Wood	
Allen	Cock	Lowery	Tiemann	J. Wood	
Baker	Dickinson	O'Brien	Weismann	Woodin	
Benedict	Foster	Perry			18

FOR THE NEGATIVE.

Bowen	Lewis				2
-------	-------	--	--	--	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Utica, passed February 28, 1862;' passed February 25, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Bowen	Harrower	McGowan	Robertson	Winslow
Chatfield	Johnson	Murphy	Tiemann	D. P. Wood
Cock	Lewis	O'Brien	Wagner	Woodin
Dickinson				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Brooklyn City Safe Deposit Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Murphy	Tiemann	D. P. Wood
Allen	Graham	O'Brien	Weismann	J. Wood
Chatfield	Harrower	Perry	Winslow	Woodin
Cock	Lowery	Robertson		

28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Young Men's Universalist Association of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Tiemann	D. P. Wood
Allen	Foster	Lowery	Weismann	J. Wood
Chatfield	Harrower	O'Brien	Winslow	Woodin
Cock	Johnson	Robertson		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act giving the consent of the State of New York to the purchase by, and ceding jurisdiction to, the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light house, keeper's dwelling, etc.," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood

Bowen	Graham	McGowan	Robertson	J. Wood	
Chatfield	Harrower	Murphy	Tiemann	Woodin	
Cock	Johnson				22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	O'Brien	Winslow	
Allen	Foster	Lewis	Robertson	D. P. Wood	
Bowen	Graham	Lowery	Tiemann	J. Wood	
Chatfield	Harrower	Murphy	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Albany to issue the bonds of said city, to provide for the taking of property for an United States building at the said city, and to provide for compensating the owners of the property so taken therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	Winslow	
Allen	Cock	Lewis	Robertson	D. P. Wood	
Baker	Dickinson	Lowery	Tiemann	J. Wood	
Benedict	Harrower	Murphy	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend article 4 of title 4 of chapter 11 of part 1st of the Revised Statutes, of division and other fences,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Weismann	
Allen	Cock	Harrower	O'Brien	D. P. Wood	
Benedict	Dickinson	Johnson	Robertson	J. Wood	
Bowen	Foster	Lewis	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The bill entitled "An act to incorporate the Long Island City and Maspeth Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	O'Brien	Weismann
Allen	Foster	Lowery	Robertson	D. P. Wood
Chatfield	Graham	Madden	Tiemann	Woodin
Cock	Harrower			

17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to the Washington Street and State Asylum Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Johnson	Madden	Wagner	Woodin
Cock	Lewis	O'Brien		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting the return to the Assembly, for the purpose of amendment, the two bills entitled (No. 138) "An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public moneys by the board of supervisors of Kings county." (No. 139.) "An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings, and prescribing his powers and duties.'"

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Wagner
Allen	Dickinson	Johnson	Madden	Weismann
Bowen	Foster	Lord	Murphy	D. P. Wood
Chatfield	Graham	Lowery	O'Brien	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the appointment of clerk, deputy clerk, and other officers of the court of special sessions of the peace in and for the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Madden	Weismann
Allen	Foster	Lord	O'Brien	Winslow
Chatfield	Graham	Lowery	Robertson	D. P. Wood
Cock	Harrower	McGowan	Tiemann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Murphy	Wagner
Allen	Foster	Lewis	O'Brien	Weismann
Chatfield	Graham	Lowery	Robertson	D. P. Wood
Cock	Harrower	Madden	Tiemann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 100 of the Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	O'Brien	Winslow
Chatfield	Graham	Lowery	Robertson	D. P. Wood
Cock	Harrower	McGowan	Tiemann	Woodin
Dickinson	Johnson	Madden	Wagner	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county

f New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Murphy	Winslow
Bowen	Graham	Lord	O'Brien	D. P. Wood
Chatfield	Harrower	Lowery	Robertson	J. Wood
Dickinson	Johnson	Madden	Tiemann	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same with an amendment.

The bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal at or near Bush's place, connecting the Bush road with lawyer's creek road at Martinsville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Johnson	Tiemann	D. P. Wood
Benedict	Dickinson	Lewis	Wagner	J. Wood
Bowen	Foster	McGowan	Weismann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	O'Brien	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Benedict	Harrower	McGowan	Tiemann	J. Wood
Chatfield	Johnson	Madden	Weismann	Woodin
Cock	Lewis	Murphy		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

On motion of Mr. Johnson, the Senate went into executive session and, after some time spent therein, the doors were opened and legislative business resumed.

The bill entitled "An act to authorize the board of Canal Commissioners to settle with James H. Sherrell for constructing a stone dam across the Mohawk river, at Cohoes, for the Erie and Champlain canals at prices equal to the cost of such work as found by the canal board under chapter 543 of the Laws of 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Foster	McGowan	Perry	Weismann
<del>Baker</del>	Harrower	Madden	Robertson	Winslow
Benedict	Johnson	Palmer	Tiemann	Woodin
Dickinson	Lord			

17

FOR THE NEGATIVE.

Bowen	Lewis	Lowery	D. P. Wood	J. Wood
Chatfield				

8

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

When the name of Mr. D. P. Wood was called he asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. D. P. Wood subsequently voted in the negative.

The Assembly bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Winslow
Allen	Cock	Lewis	Perry	D. P. Wood
Benedict	Foster	Lowery	Robertson	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the charter of the Orphan Asylum Society in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	McGowan	Wagner	D. P. Wood
Allen	Chatfield	Madden	Weismann	J. Wood
Baker	Cock	Robertson	Winslow	Woodin
Benedict	Dickinson	Tiemann		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to establish St. Paul's Church at Rome, Italy, by a Board of Trustees in New York city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,

majority of all the members elected to the Senate voting in favor thereof as follows:

FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Murphy	D. P. Wood	
Baker	Cock	Lewis	Robertson	J. Wood	
Benedict	Foster	Lowery	Weismann	Woodin	
Bowen	Graham	McGowan	Winslow		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Baker offered the following:

*Resolved*, That hereafter, unless otherwise ordered, the Senate meet at 10 o'clock A. M.; that a session be held every evening (except Saturday) at 7½ o'clock, for the consideration of general orders; and that such bills as cannot be considered in the select committee of nine be first taken up.

Mr. Allen moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis offered the following:

*Resolved*, That the Comptroller be directed to procure and forward to the county treasurers of each of the counties of the State, as many copies of the last report of the "commissioners to revise the laws for the assessment and collection of taxes" as there are assessors in each county, and that the several county treasurers be required to deliver or forward to each of the assessors within their county a copy of said report, and that the Comptroller be required to enclose in each copy of said reports a circular addressed to the assessors requesting them to examine the proposed system of taxation, and to report in writing to the member of the next Legislature elected from their respective Assembly districts, their views of the feasibility of the plan, the amount of valuation which the system will probably produce as compared with the present method, and the degree of uniformity with which the plan can be executed, and such other suggestions as the Comptroller may think proper to make.

*Resolved*, That the Comptroller, and the chairman of the commissioners to revise the laws for the assessment of taxes, be requested to report to the next Legislature, without expense or charge to the State, their joint views and suggestions as to a new system or code of assessment of taxes.

On motion of Mr. D. P. Wood, said resolutions were laid on the table and ordered printed.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company, to the Cross-town Railroad Company, of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party, in certain cases,' passed May 10,

1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes in relation to laying out public roads, and the alteration thereof, in the county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Lewis moved to take from the table the bill entitled "An act making appropriations for the payment of the principal and interest on the canal debt commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the pending question to be upon reconsidering the vote to strike out from said bill the word "coin" wherever it occurs, and that said bill be ordered to a third reading.

Mr. Perry moved that the session be extended ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Pending the question to reconsider,

On motion of Mr. Madden, the Senate took a recess until half-past seven o'clock, P. M.

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### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Adams, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to provide for the holding of a charter election in the city and county of New York on the fourth Tuesday of May, in the year 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in relation to the publication of notices and citations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to improve and regulate the use of the Fourth avenue in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river, by authorizing the city of Albany to issue its bonds, and the Delaware and Hudson Canal Company to guarantee the same, for the purpose of aiding in such construction, passed April 23, 1872," which was read the



first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States."

After some time spent therein, the President resumed the chair, and Mr. Weismann, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Benedict moved that the further consideration of the bill be postponed until the second Tuesday of January next.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Benedict	Dickinson	Lewis	Tiemann	D. P. Wood
Chatfield	Graham	McGowan	Weismann	

#### FOR THE NEGATIVE.

Adams	Cock	Lowery	Palmer	J. Wood
Baker	Johnson	Madden	Perry	Woodin
Bowen				

Mr. Madden moved that the Senate resolve itself into a committee of the whole upon the said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of said entitled bill.

After some time spent therein, the President resumed the chair, and Mr. Weismann, from said committee, reported in favor of the passage of said named bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act in relation to the unadjusted claims of the soldiers in the war of 1812," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the village of Mount Morris, passed May 2, 1835, and the several acts subsequent amending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct bridges over the Nepperhan river,' passed April 19, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Savannah, Wayne county, New York,' passed April 15, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Grass river and of the water-power thereon, and to check freshets therein,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue, between Bridge street and Hudson avenue, and Clinton avenue and Broadway, in the city of Brooklyn,' passed April 17, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to extend the time for the organization of the Mutual Fire Insurance Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend an act to provide for the incorporation of insurance companies, passed June 25, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on congressional apportionment, to which was referred the division of the State into congressional districts, reported by bill entitled "An act dividing the State into congressional districts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Palmer dissented from said report, and requested the same to be entered upon the journal.

The Senate again resolved itself into a committee of the whole, and

proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend an act entitled 'An act to amend article 1, title 5, chapter 6, part 3, of the Revised Statutes, entitled Of executions against property,' passed May 2, 1835."

"An act relative to the North Park Railroad Company."

"An act authorizing the erection of a bridge over the Erie canal in the city of Syracuse."

After some time spent therein, the President resumed the chair, and Mr. Adams, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Adams, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Chatfield moved that the bill entitled "An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension, which lies south of the Susquehanna river," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bill entitled as follows:

"An act to amend chapter 55 of the Laws of 1870, entitled 'An act to abolish the Contracting Board and the system of repairing the canals by contract, and to authorize the Canal Board to remove canal division agents, and appoint such officers.'"

After some time spent therein, the President resumed the chair, and Mr. Palmer, from said committee, reported progress on the said named bill, and asked leave to sit again.

Mr. Madden moved that the committee of the whole be discharged from the further consideration of the bill, and that the same be indefinitely postponed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Baker	Cock	Madden	Tiemann	J. Wood
Benedict	Harrower	Palmer	D. P. Wood	Woodin
Chatfield	Lord	Perry		

#### FOR THE NEGATIVE.

Bowen	Lewis	McGowan	Weismann	Winslow
Johnson	Lowery			

The Assembly returned the following entitled Assembly bills, with message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870."

"An act to authorize the board of education of Union Free School District No. 9 of the town of Mount Pleasant to borrow money."

"An act to incorporate the Whitestone Savings Bank."

"An act to incorporate the Port Richmond Savings Bank."

"An act for the speedy construction of sewers in a certain portion of the city of Brooklyn."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:..

"An act to amend the act entitled 'An act to authorize the formation of gas-light companies,' passed February 16, 1848."

"An act to amend section 2 of chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872."

"An act to amend chapter 310 of the Laws of 1864, being an act to incorporate the Farmers' Protective Union."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bills entitled as follows:

"An act relating to courts of record, and other courts in the city and county of New York."

"An act to amend an act entitled 'An act to authorize the construction of a railroad through Twenty-third street in the city of New York,' passed May 10, 1869, so as to authorize the comptroller of the city of New York to carry into effect the powers conferred by the first section of the above act, upon the commissioners of the sinking fund of the city of New York, in relation to the advertising and sale of the franchise for building such railroad, to the highest bidder, on paying the amount of such bid or giving security for such payment satisfactory to said comptroller, to issue the certificate of title to such grant mentioned in said first section of said act to Sidney A. Yeomans, or to his assigns, and granting all the rights, privileges, powers and benefits conferred and prescribed in the second, third and fourth sections of said act to said Sidney A. Yeomans and his assigns, and requiring him or his assigns to finish, complete and equip said road within eight months from the time of receiving such certificate."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Madden, the Senate adjourned.

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## THURSDAY, APRIL 25, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Kindler.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation and management thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Tiemann presented a petition of citizens of New York, in favor of the New York Elevated Railroad Company, to extend its road; which was read and referred to the committee on railroads.

Mr. Chatfield, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the county of Dutchess," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was recommitted the Assembly bill entitled "An act to provide for the improvement of a portion of the Coney Island plank-road as recently widened," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to establish the St. Paul's Church at Roma, Italy, by a board of trustees in New York city."

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn."

"An act to incorporate the Yonkers Lyceum of the village of Yonkers, in the county of Westchester."

"An act to provide for furnishing two statues of eminent deceased citizens of this State, to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States."

"An act relative to the North Park Railroad Company."

"An act authorizing the erection of a bridge over the Erie canal in the city of Syracuse."

"An act to authorize the selection and location and purchase of certain grounds for a public park in the city of Lockport, and to provide for the maintenance and establishment thereof."

Mr. Bowen, from the committee on public printing, to which was referred the joint resolution relative to printing the Legislative Manual for 1872, reported back the resolution, for the consideration of the Senate, as follows:

*Resolved* (if the Senate concur), That the clerks of the Senate and Assembly be directed to furnish to each member of the Senate and Assembly, and to the clerks of the Senate and clerks of the Assembly, for the present year, one hundred copies each of the State Manual for 1872, and to the other officers and reporters of the Senate and Assembly for the year 1872, entitled to stationery orders, twenty-five copies each; provided, however, that the price shall not exceed one dollar per copy.

Mr. D. P. Wood moved to indefinitely postpone the consideration of said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Murphy	Wagner
Allen	Dickinson	Lord	Palmer	Welsmann
Baker	Foster	Lowery	Perry	D. P. Wood
Benedict	Graham	McGowan	Robertson	J. Wood
Bowen	Harrower	Madden	Tiemann	Woodin
Chatfield	Johnson			

FOR THE NEGATIVE.

Winslow

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Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to filling sunken lots in the city of Brooklyn," reported in favor of the passage of the same.

On motion of Mr. Murphy, said bill was ordered engrossed for a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act relating to certain non-resident highway taxes in Essex county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act authorizing the holding of the courts required to be held in the county of Warren, at the village of Glen's Falls, until the completion of the new court-house in said county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New Paltz Savings Bank,' passed March 22, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow asked permission to change his vote on the question of postponing consideration of the resolution relative to State Manual, from the negative to affirmative.

The President stated that the vote could not be changed, but that the request of the Senator would be entered upon the journal.

Mr. Winslow, from the select committee of nine, reported complete the following entitled bills:

Assembly, "An act to incorporate the New York and Canada Bridge and Tunnel Company." [With amendments.]

Assembly, "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872."

Assembly, "An act to incorporate the Society of Members of the New York Stock Exchange for Mutual Relief, in the city and county and State of New York."

Assembly, "An act to authorize the construction of a bridge over Tunison's creek, in Richmond county."

Assembly, "An act to provide for the dissolution of religious societies, except in the city and county of New York, and for the sale and disposition of the proceeds of the property of such societies. [With amendments.]

Assembly, "An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk."

Assembly, "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens."



Assembly, "An act to release the interest of the people of the State of New York in certain land to Mary M. Imhorst."

Assembly, "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley."

Assembly, "An act to amend an act entitled 'An act to provide for the improvement of Grass river and of the water-power thereon, and to check freshets therein.' [With amendments.]

Assembly, "An act to constitute a separate road district in the town of Palatine, in the county of Montgomery."

"An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York." [With amendments.]

Assembly, "An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872."

Assembly, "An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871."

Assembly, "An act to provide for the formation of free public libraries." [With amendments.]

Assembly, "An act in relation to the East and West Martinsburgh burial grounds."

Assembly, "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city."

Assembly, "An act in relation to challenges of jurors in criminal cases."

Assembly, "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county."

Assembly, "An act in relation to the alteration of town boundaries in the county of Franklin."

Assembly, "An act to prevent the obstruction of highways in the county of Chautauqua by the accumulation of snows therein."

Assembly, "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango." [With amendments.]

Assembly, "An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages." [With amendments.]

Assembly, "An act to amend an act to incorporate the village of Mount Morris, passed May 2, 1835, and the several acts subsequent amending the same."

Assembly, "An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871."

"An act to amend section 10, title 3, and section 7, title 10, of chapter 77, of the Laws of 1871, passed March 16, 1870, relating to the appointment of officers by the mayor of the city of Albany."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act for the relief of the Standard Life Insur

ance Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was recommitted the Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the St. Patrick's Temperance and Benevolent Society of Kingsbridgeville, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the following message from the Governor:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 25, 1872. }

*To the Legislature:*

In compliance with a joint resolution of the Legislature, passed at the present session, I applied to the President of the United States, requesting him to appoint three officers of the United States service to revise the exterior lines of the harbor of New York, on the Brooklyn side. Herewith I transmit a copy of the reply of the Secretary of War, informing me that the commission was appointed. It is necessary that an appropriation of money be made to cover the expenses of the commission.

JOHN T. HOFFMAN.

Mr. Murphy moved that said communication be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting the return of Assembly bill No. 200, entitled "An act to incorporate Riverhead Savings Bank," for amendment.

Mr. Cock moved to concur in said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, April 24, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Badeau, and by unanimous consent, the same was amended as follows :

Add at the end of section 1 the words : "Shall be hereafter known as the Mamaroneck and Rye Neck Fire District."

And as amended passed, and ordered sent to the Assembly for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	J. Wood
Chatfield	Graham	Madden	Tiemann	Woodin
Cock	Lewis	Palmer	Wagner	

The President then put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Robertson	Winslow
Allen	Graham	Lord	Tiemann	D. P. Wood
Benedict	Harrower	McGowan	Wagner	J. Wood
Bowen	Johnson	Perry	Weismann	Woodin
Dickinson				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment to the same.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, April 23, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Alvord, and by unanimous consent, the same was amended as follows :

Strike out all after the title to the end of the second section, and insert the words as follows :

Whereas, In October, 1871, it was publicly charged that enormous frauds had been perpetrated upon the treasury of the city and county of New York; and whereas, by the advice of the Governor, the Attorney-General associated with himself Charles O'Connor to aid in the prosecution of all necessary suits and proceedings in connection with said alleged frauds; and whereas, under the direction of the Attorney-General and said Charles O'Connor, certain liabilities and expenses have been incurred in said prosecutions and proceedings which should be paid by the city and county of New York; and whereas said suits and proceedings are yet undetermined, now, therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All liabilities and expenses for counsel fees and otherwise which have been or may be incurred by the Attorney-General and Charles O'Connor, or under their direction, including the counsel fees and disbursements of the said Charles O'Connor, shall be adjusted, audited, and paid by the comptroller of the city of New York, on production of accounts therefor duly certified by the said Attorney-General and the said Charles O'Connor.

§ 2. To meet the payments authorized by the first section of this act, the board of supervisors of the county of New York is hereby authorized and required to raise by tax upon the estates, real and personal, in the city and county of New York, subject to taxation in the year 1872, fifty thousand dollars.

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Benedict	Graham	Madden	Wagner	Woodin
Bowen	Harrower	Murphy		

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The President then put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor hereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Robertson	Winslow
Allen	Dickinson	Murphy	Tiemann	D. P. Wood
Baker	Foster	Palmer	Wagner	J. Wood
Benedict	Johnson	Perry	Weismann	Woodin
Chatfield				

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Ordered, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments to the same.

Mr. Madden, from the committee on railroads, to which was referred

the bill entitled "An act to repeal chapter 237 of the Laws of 1869, passed April 17th, 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported adversely thereto, which report was agreed to.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," reported adversely thereto.

Mr. Robertson moved to disagree with the report of the committee, and that the same be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend chapter 366 of the Laws of 1870, entitled 'An act in regard to public libraries incorporated in the State of New York,' " reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site and for the erection of a school-house thereon, in school district No. 3 at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to provide for the better education of minors employed in manufactories in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Baker	Foster	Lewis	Palmer	Weismann
Benedict	Graham	Lord	Perry	D. P. Wood
Chatfield	Harrower	Lowery	Robertson	J. Wood
Cock	Johnson	McGowan	Tiemann	Woodin
Dickinson				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and to provide for the election of trustees of Sleepy Hollow Cemetery at Tarrytown, and to confirm their official acts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	Robertson	Winslow	
Chatfield	Harrower	McGowan	Tiemann	D. P. Wood	
Cock	Johnson	Palmer	Wagner	J. Wood	
Dickinson	Lord	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the Supreme Court Library at Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Foster	Madden	Robertson	Winslow	
Benedict	Harrower	Murphy	Tiemann	D. P. Wood	
Chatfield	Lewis	Palmer	Wagner	J. Wood	
Dickinson	McGowan	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the grade of 136th and 137th streets, between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Harrower	McGowan	Robertson	Winslow	
Chatfield	Johnson	Murphy	Tiemann	D. P. Wood	
Cock	Lewis	Palmer	Wagner	J. Wood	
Foster	Lowery	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal so much of chapter 868, Laws of 1867, being an act relating to certain non-resident highway taxes in Clinton county, and the old military tract, as relate to non-resident lands in Franklin county, and the payment of the taxes assessed and collected from the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	Perry	Weismann	
Bowen	Foster	Lowery	Robertson	Winslow	
Chatfield	Harrower	McGowan	Tiemann	D. P. Wood	
Cock	Johnson	Murphy	Wagner	J. Wood	20



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to open, widen, straighten, work and grade Third avenue, in the village of Morrisania," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Chatfield	Graham	Lord	Palmer	Wagner	
Cock	Harrower	Lowery	Perry	Weismann	
Dickinson	Johnson	McGowan	Robertson	J. Wood	
Foster	Lewis	Murphy	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release to Mary McGarrity the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Perry	Winslow	
Bowen	Graham	Lowery	Tiemann	D. P. Wood	
Chatfield	Harrower	McGowan	Wagner	J. Wood	
Cock	Johnson	Murphy	Weismann	Woodin	
Dickinson	Lewis	Palmer			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the highway in the town of Yonkers, known as Central road or avenue," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lewis	Murphy	Weismann	
Bowen	Graham	Lord	Palmer	Winslow	
Chatfield	Harrower	Lowery	Perry	D. P. Wood	
Cock	Johnson	McGowan	Tiemann	J. Wood	
Dickinson					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	Palmer	Wagner
Benedict	Foster	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Murphy		

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie, passed April 12, 1867,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Murphy	Tiemann
Baker	Dickinson	Lewis	Palmer	Wagner
Benedict	Foster	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	J. Wood
Chatfield	Harrower	McGowan		

2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Palmer	Wagner
Baker	Foster	Lowery	Perry	Weismann
Benedict	Harrower	McGowan	Robertson	D. P. Wood
Bowen	Johnson	Murphy	Tiemann	J. Wood
Chatfield				

2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same with amendments.

The Assembly bill entitled "An act to prevent and punish certain fraudulent practices," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Palmer	Weismann
Baker	Dickinson	Lord	Robertson	Winslow
Bowen	Foster	Lowery	Tiemann	D. P. Wood
Chatfield	Harrower	McGowan	Wagner	J. Wood 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to provide for the erection of a town hall in the town of Rhinebeck, county of Dutchess," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Bowen	Graham	Madden	Tiemann	J. Wood
Chatfield	Harrower	Murphy	Weismann	Woodin
Cock	Lewis	Palmer		28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to the setting of fykes and other nets in Harlem and East rivers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Foster	Lord	Perry	Weismann
Baker	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Madden	Wagner	Woodin
Dickinson				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate College Point Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Chatfield	Graham	McGowan	Tiemann	D. P. Wood
Cock	Harrower	Madden	Wagner	J. Wood
Dickinson	Johnson	Perry	Weismann	Woodin
Foster	Lowery	Robertson		18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the Yonkers Lyceum in the village of Yonkers, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Harrower	McGowan	Robertson	D. P. Wood	
Cock	Johnson	Murphy	Tiemann	J. Wood	
Dickinson	Lewis	Palmer	Wagner	Woodin	
Foster	Lord	Perry	Weismann		19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof as a tax upon the village of Lima and the town of Lima, said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Murphy	Wagner	
Baker	Dickinson	Lewis	Palmer	Weismann	
Bowen	Graham	Lord	Perry	J. Wood	
Chatfield	Harrower	McGowan	Robertson	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend 'An act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company,' passed May 3, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Robertson	Winslow	
Baker	Foster	McGowan	Tiemann	D. P. Wood	
Bowen	Graham	Murphy	Wagner	J. Wood	
Chatfield	Harrower	Perry	Weismann	Woodin	
Cock	Lewis				22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the acts and proceedings of William Seymour, a justice of the peace of the town of Greig, county of Lewis," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lowery	Robertson	Winslow
Chatfield	Graham	McGowan	Tiemann	D. P. Wood
Cock	Harrower	Murphy	Wagner	J. Wood 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the election and location and purchase of certain grounds for a public park in the city of Lockport, and to provide for the maintenance and establishment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Weismann
Baker	Graham	Lowery	Robertson	D. P. Wood
Bowen	Harrower	McGowan	Tiemann	J. Wood
Chatfield	Johnson	Murphy	Wagner	Woodin 21
Cock				

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President announced that, unless objection be made, the bills ordered to a third reading this morning would now be read.

No objection being made, the bills so reported were then read.

The bill entitled "An act relative to the North Park Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Weismann
Baker	Graham	Lord	Robertson	D. P. Wood
Chatfield	Harrower	Lowery	Tiemann	J. Wood
Cock	Johnson	Murphy	Wagner	Woodin 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorizing the erection of a bridge over the Erie canal in the city of Syracuse," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Cock	Harrower	Madden	Weismann
Benedict	Dickinson	Lewis	Perry	D. P. Wood
Bowen	Foster	Lord	Robertson	J. Wood
Chatfield	Graham	Lowery	Tiemann	Woodin 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Madden	Tiemann	Winslow	
Baker	Graham	Perry	Wagner	D. P. Wood	
Chatfield	Lewis	Robertson	Weismann	Woodin	
Dickinson	Lowery				17

## FOR THE NEGATIVE.

Allen	Harrower	Lord	Murphy	J. Wood	
Bowen	Johnson				7

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to filling sunken lots in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Winslow	
Allen	Chatfield	Lewis	Robertson	D. P. Wood	
Baker	Cock	Lord	Tiemann	J. Wood	
Benedict	Foster	Madden	Weismann	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass River, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Perry	Weismann	
Allen	Foster	Madden	Robertson	D. P. Wood	
Bowen	Lewis	Murphy	Tiemann	J. Wood	
Chatfield	Lowery	Palmer	Wagner	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the society of members of the New York Stock Exchange for Mutual Relief in the city and county and State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lord	Tiemann
Allen	Chatfield	Graham	Lowery	Weismann
Baker	Cock	Harrower	Madden	J. Wood
Benedict	Dickinson	Lewis	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the construction of a bridge over Tunison's creek in Richmond county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Lowery	Tiemann
Baker	Dickinson	Johnson	McGowan	D. P. Wood
Benedict	Foster	Lewis	Perry	J. Wood
Bowen	Graham	Lord	Robertson	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water power thereon, and to check freshets therein,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Winslow
Allen	Cock	Johnson	Robertson	D. P. Wood
Benedict	Dickinson	Lewis	Tiemann	J. Wood
Bowen	Foster	Lord	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act further to amend chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh land,' " having been announced for a third reading,

On motion of Mr. Cock, and by unanimous consent, said bill was amended as follows:

Strike out the words in section 1, "or other navigable streams."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lord	Tiemann	D. P. Wood
Chatfield	Graham	McGowan	Wagner	J. Wood

20

## FOR THE NEGATIVE.

Woodin

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lewis	Weismann	
Allen	Chatfield	Graham	Lord	D. P. Wood	
Baker	Cock	Harrower	Lowery	J. Wood	
Benedict	Dickinson	Johnson	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow	
Benedict	Foster	Lord	Tiemann	D. P. Wood	
Bowen	Graham	Lowery	Wagner	J. Wood	
Chatfield	Johnson	Perry	Weismann	Woodin	
Cock					21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed May 5, 1870,' and passed April 22, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to provide for the dissolution of religious societies, and for the sale and disposition of the proceeds of the property of such societies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Chatfield	Graham	Lowery	Wagner	

19

## FOR THE NEGATIVE.

Woodin

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the twentieth day of February, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	Winslow
Baker	Foster	Lewis	Robertson	D. P. Wood
Chatfield	Graham	Lord	Tiemann	J. Wood
Cock	Harrower	Lowery	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Wagner	D. P. Wood
Allen	Dickinson	Lewis	Weismann	J. Wood
Baker	Foster	Robertson	Winslow	Woodin
Chatfield	Graham	Tiemann		

18

## FOR THE NEGATIVE.

Johnson

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the East and West Martinsburgh burial grounds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Winslow
Allen	Cock	Lewis	Perry	D. P. Wood
Baker	Foster	Lord	Robertson	J. Wood
Benedict	Graham	Lowery	Weismann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to constitute a separate road district in the town of Palatine, in the county of Montgomery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, ann three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	D. P. Wood
Allen	Cock	Harrower	Robertson	J. Wood
Baker	Dickinson	Lewis	Tiemann	Woodin
Bowen	Foster	Lord	Winslow	
				19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concnrred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	McGowan	Wagner	D. P. Wood
Baker	Harrower	Madden	Weismann	J. Wood
Bowen	Lewis	Robertson	Winslow	Woodin
Foster	Lowery	Tiemann		
				18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the alteration of town boundaries in the county of Franklin," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weismann	
Allen	Dickinson	Johnson	Perry	D. P. Wood	
Baker	Foster	Lewis	Robertson	J. Wood	
Chatfield	Graham	Lowery	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to prevent the obstruction of highways in the county of Chautauqua by the accumulation of snows therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann	
Allen	Foster	Lowery	Perry	D. P. Wood	
Chatfield	Graham	McGowan	Robertson	J. Wood	
Cock	Harrower	Madden	Tiemann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Winslow	
Allen	Dickinson	Lewis	Robertson	D. P. Wood	
Baker	Foster	Lord	Tiemann	J. Wood	
Benedict	Graham	Lowery	Weismann	Woodin	
Chatfield	Harrower	McGowan			23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill, entitled "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	Palmer	Wagner	J. Wood
Bowen	Lewis	Perry	Weismann	Woodin
Cock	Lord			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to release the interest of the people of the State of New York in certain land to Mary M. Imhorst,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Allen	Foster	Lord	Robertson	D. P. Wood
Baker	Graham	Lowery	Tiemann	J. Wood
Benedict	Harrower	McGowan	Wagner	Woodin
Chatfield	Johnson	Palmer		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund ; also to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers’ wages,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Winslow
Allen	Cock	Lewis	Perry	D. P. Wood
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Harrower	McGowan	Weismann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled “An act to amend ‘An act to incorporate the village of Mount Morris,’ passed May 2, 1835, and the several acts subsequent amending the same,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Robertson	Winslow
Allen	Chatfield	Harrower	Tiemann	D. P. Wood



Baker	Cock	Lewis	Wagner	J. Wood	
Benedict	Foster	Lord	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Perry	Winslow	
Allen	Cock	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Madden	Tiemann	J. Wood	
Benedict	Foster	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to challenges of jurors in criminal cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Winslow	
Baker	Dickinson	Lowery	Tiemann	D. P. Wood	
Benedict	Foster	Madden	Wagner	J. Wood	
Bowen	Graham	Palmer	Weismann	Woodin	
Chatfield	Harrower	Perry			23

FOR THE NEGATIVE.

Allen	Lewis	Lord	Murphy	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the formation of free public libraries," having been announced for a third reading,

Mr. D. P. Wood moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend section 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany," having been announced for a third reading,

Mr. Johnson raised the point of order that said bill was not engrossed, and contained no enacting clause.

The President decided the point of order not well taken, as, by unanimous consent, the rules were suspended, and consent had been given to all read bills reported by the select committee of nine to-day.

Mr. Johnson appealed from the decision of the chair.

The President put the question, "Shall the decision of the chair be sustained as the judgment of the Senate?" and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Madden	Wagner
Allen	Foster	Lord	Palmer	Weismann
Baker	Graham	Lowery	Perry	Winslow
Benedict	Harrower	McGowan	Robertson	J. Wood
Bowen				

21

## FOR THE NEGATIVE.

Cock	Johnson	Murphy	Tiemann
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4

Mr. D. P. Wood asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Adams moved that said bill be recommitted to the committee on the judiciary, with instructions to insert the enacting clause, and to report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend section 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany," reported the same to the Senate, with the amendment thereto, in compliance with instructions of of the Senate.

Mr. Adams moved that the third reading of said bill be postponed until to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of 2 o'clock having arrived, the Senate took a recess until half-past 7 o'clock P. M.

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SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to enable the legal voters of any town to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein, of intoxicating liquors shall be prohibited, and to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act."

After some time spent therein, the President resumed the chair, and Mr. Benedict, from said committee, reported progress on said named bill, and asked leave to sit again.

Mr. Chatfield moved to discharge the committee of the whole from the further consideration of the bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion of Mr. Chatfield, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Foster	Harrower	Winslow	
Allen	Dickinson	Graham	McGowan	Woodin	10

## FOR THE NEGATIVE.

Baker	Cock	Lord	Murphy	Tiemann	
Benedict	Johnson	Lowery	Perry	Wagner	
Bowen	Lewis	Madden	Robertson	Weismann	15

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act to incorporate the Fresco Painters' Benevolent and Protective Union, of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Hunter's Point and Flushing Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newton Railway Company,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to facilitate the construction of the Lake Ontario Shore Railroad, and to amend the several acts in relation thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the construction of a farm bridge over the Champlain canal for the benefit of Hiram Cramer, in the town of Saratoga, county of Saratoga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to provide for the care and maintenance by the Canal Commissioners of certain bridges over a portion of the Black river used for canal purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees under the last will and testament of Charles H. Carroll, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the second day of July, 1862, also to restrict the operation of chapter 511 of the Laws of 1863,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," which was read the first time, and by unani-

mous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company in the city of Brooklyn,' passed April 11, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Staten Island and New Jersey Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend, extend, and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein; and to amend the charter of said city,' passed April 16, 1870, three-fifths being present," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act conferring jurisdiction upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize the construction of a bridge over the Glen's Falls feeder, in the village of Glen's Falls, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Peekskill Ferry Dock and Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act for the relief of the Lake Champlain and Moriah Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk valley, and the preparation of the natural products of the soil for market," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal the act, and all acts amendatory thereof, to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, so far as the same relate to the Syracuse and Tully plank-road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown Railroad," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Queens Railway Company," which was read first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act for the relief of Pratt and Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to incorporate the Otselic Reservoir Company in the counties of Madison and Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend the statutes in reference to the collection of taxes in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Mechanics' and Traders' Exchange of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act for the relief of the Rochester and State Line Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend chapter 583 of the Laws of 1871, entitled 'An act to make provision for the local government of the city and county of New York,' passed April 9, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act for establishing a turnpike road between the cities of Albany and Schenectady,' passed March 30, 1802, and authorizing the president, directors and company of said turnpike road to abandon a part of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.



"An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to dower, and to actions and proceeding for the recovery of dower," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend the act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm the acts of Hezekiah W. Whitney, administrator with the will annexed of the estate of Melvin S. Whitney, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey certain lands in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of cities.

"An act to provide building sites for life saving stations on the coast of Long Island, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release the interest of the people of the State of New York in certain land to John Lietz," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the taking of certain lands in the city of Buffalo for the purposes of an avenue leading from the Parade park southerly to Seneca street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act extending the jurisdiction of the park commissioners of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend section 3 of chapter 19 of Laws of 1821 to perpetuate certain testimony respecting the title of the Poultney estate in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enable Timothy Baldwin, Junior, to take and hold real estate, and to release to him the interest and title in lands escheated to



the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act empowering the Buffalo Street Railroad Company to make certain advances to and contracts with the Buffalo East Side Street Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act providing for the copying of certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river, below the Second avenue,' passed April 4, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to enable the supervisors of the city and county of New York to raise money by tax to pay money appropriated by Geo. H. E. Lynch, late clerk of the superior court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river,' passed April 13, 1858, and the several acts amendatory thereof, being chapter 465 of the Laws of 1862, and chapter 304 of the Laws of 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to regulate the rate of charges for carrying passengers on the Gloversville and Northville railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Mechanioville Bridge Company, for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the New York Deposit and Loan Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Palette of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to provide for laying out

and improving roads and avenues in the village of Saratoga Springs, passed May 5, 1870,' passed April 24, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act declaring Cold brook, in the county of Clinton, and Alder brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859."

"An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county relative to the judges thereof."

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.'"

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. McGowan offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting him to return to the Senate, for amendment, Senate bill No. 268, entitled "An act to provide for the endowment of the Unadilla Academy."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the German-American Mutual Warehousing and Security Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Tiemann offered the following:

*Resolved*, That Senate bill No. 487, entitled "An act in relation to courts and justices in the city and county of New York," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, April 25, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

The vote upon the final passage of said bill having been reconsidered,

On motion of Mr. Snyder, and by unanimous consent, was amended as follows:

Section 2, line 6; printed bill, strike out the word "designate," and insert in lieu thereof the words "cause a jury of."

Same section, line 8, strike out the words "constitute a jury," and insert in lieu thereof the words "be summoned."

Same section, line 20, strike out the words "which may be made by any four of said jury."

Section 3, line 3, strike out the word "designate," and insert in lieu thereof the word "summon."

Section 4, line 7, strike out the word "reduced," and insert in lieu thereof the word "increased."

§.2. Title 2 of said act is hereby further amended by inserting, as section 10 of said title, the following:

"§ 10. There shall be elected by the electors of said village, at the annual charter election to be held in said village on the first Tuesday of March, 1874, two police justices, one for the term of two years and the other for the term of four years; and at each charter election, at successive intervals of two years thereafter, there shall be, in like manner, elected one police justice who shall hold his office for four years."

§ 3. Change sections 10 and 11 of said title 2 to sections 11 and 12.

Change numbers of sections 2, 3, and 4 to numbers 4, 5, and 6, respectively.

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Madden	Tiemann
Allen	Dickinson	Lord	Murphy	Wagner
Baker	Foster	Lowery	Perry	Weismann
Bowen	Harrower	McGowan	Robertson	Woodin
Chatfield				

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The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Murphy	Wagner
Allen	Chatfield	Graham	Perry	Weismann
Baker	Cock	Lewis	Robertson	Winslow
Benedict	Dickinson	Madden	Tiemann	Woodin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Chatfield moved that the Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Johnson moved that only such bills be considered in the committee of the whole as cannot be considered by the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river."

Assembly, "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca."

After some time spent therein, the President resumed the chair, and Mr. Tiemann, from said committee, reported progress on said named bills, and asked leave to sit again.

The President put the question whether the Senate would agree to the report of said committee.

Mr. Chatfield called for a division of the question.

The President then put the question whether the Senate would agree to grant leave to said committee to sit again on the first named bill, and it was decided in the affirmative.

Mr. Lewis moved to discharge the committee of the whole from further consideration of the second named bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	D. P. Wood	
Baker	Dickinson	Lewis	Weismann	Woodin	
Bowen	Foster	McGowan			13

FOR THE NEGATIVE.

Cock	Lord	Madden	Tiemann	4
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Mr. D. P. Wood moved that said bill be recommitted to the committee on canals, with instructions to amend as follows :

In section 1, line 2, strike out the word "general," and insert in lieu thereof the words "extraordinary repair."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Baker	Cock	Lowery	Tiemann	D. P. Wood	
Benedict	Lord	Madden			8

FOR THE NEGATIVE.

Adams	Dickinson	Johnson	McGowan	Weismann	
Bowen	Foster	Lewis	Perry	Woodin	
Chatfield					11

On motion of Mr. Bowen, the Senate adjourned.

FRIDAY, APRIL 26, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend 'An act relating to building bridges in the village of Niagara Falls,' passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bowen, and by unanimous consent, the rule was suspended, and said bill ordered to a third reading.

"An act to amend the several acts in relation to State prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act in relation to the Board of Trustees of the General Convention of Universalists in the United States of America," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act regulating the payment of highway taxes by railroad corporations, and to increase the powers and duties of commissioners of highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the better protection of health in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to amend an act entitled 'An act to provide for a deputy clerk for the court of general sessions of Kings county,' passed April 10, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend the act entitled 'An act to amend and make additions to an act entitled An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereof, as amended April 15, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to authorize the sale of lands belonging to, and occupied by, the Seaman's Retreat on Staten Island,' passed May 2, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie, in aid of the construction of the Poughkeepsie and Eastern Railroad, and to invest the same or the avails thereof

in the first mortgage bonds of the said railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the common council of the city of Brooklyn to open Eighth avenue from Tenth street to Greenwood Cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to reimburse the commissioners named in chapter 853 of Laws of 1869 for moneys expended by them in the discharge of their trust conferred by the provisions of said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act concerning the Syracuse branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name," which was read the first time, and by unanimous consent was also read the second time.

Mr. McGowan moved to substitute said bill for the Senate bill upon the same subject, now ordered engrossed for a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act relating to the marine court in the city of New York declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the time of beginning the construction of the Newburgh and Midland railway, and expending ten per cent of the amount of its capital stock thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot in the town of Hadley, Saratoga county, to Beecher's Hollow in the town of Edinburgh, in said county, a distance of eighteen miles," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act relative to school moneys in the city of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to establish and maintain a police force in and for the county of Richmond," which was read the first time, and by unanimous con-



sent was also read the second time, and referred to the committee on internal affairs.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to his Excellency the Governor to return, for amendment, Assembly bill No. 152, entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859."

Mr. D. P. Wood moved that the Senate concur in said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows :

*Resolved*, That a respectful message be sent to the Senate requesting the return of Senate bill No. 224, entitled "An act to make provision for the local government of the city and county of New York for the year 1872."

Mr. Madden moved that said bill be returned to the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the Mechanicsville Bridge Company for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicsville and the town of Schaghticoke," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for establishing a turnpike road between the cities of Albany and Schenectady,' passed March 30, 1802, and authorizing the president, directors, and company of said turnpike road to abandon a part of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the New York and Queens County Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the city of New York and the county of Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey certain lands in the city of Buffalo," reported in favor of the passage of the same.

On motion of Mr. Lewis, and by unanimous consent, said bill was ordered to a third reading.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the taking of certain lands in the city of Buffalo for the purposes of an avenue leading from the Parade park southerly to Seneca street," reported in favor of the passage of the same.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act extending the jurisdiction

of the park commissioners of the city of Buffalo,' reported in favor of the passage of the same.

On motion of Mr. Lewis, and by unanimous consent, said bills were ordered to a third reading.

Mr. Palmer, from a majority of the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for reopening West avenue in Long Island City, Queens county, and to repeal section 3 of an act entitled 'An act to lay out, construct, and maintain a public road from the foot of East Second street, in Long Island City, to D street in Blissville, Queens county, and to close certain streets in Long Island City, Queens county,' passed May 1, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to regulate the rate of charges for carrying passengers on the Gloversville and Northville railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Wagner, from the committee on railroads, to which was referred the bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation, and management thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Pratt & Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on public printing, to which was referred the joint resolution relative to printing copies of the Transactions of the Medical Societies of this State, reported in favor of the adoption of the following resolution:

*Resolved* (if the Senate concur), That there be printed of the Transactions of each of the medical societies of this State, viz.: The New York State Medical Society, the Homœopathic State Medical Society, and the Eclectic State Medical Society, ten copies for each member, officer, and reporter of the Legislature; also, 5,000 copies of the Transactions of the New York State Medical Society of 1871 for the use of said society, and 2,000 copies of the Transactions of the Homœopathic State Medical Society of 1871, and also 500 copies of the State Medical Society for the use of said Homœopathic Medical Society, and 2,000 copies of the Transactions of the Eclectic State Medical Society of 1871 for the use of said Eclectic Medical Society.

Mr. D. P. Wood moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was

referred the joint resolution relative to printing copies of the report of the American Institute, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That twenty copies of the annual report of the Transactions of the American Institute of the city of New York, for the year 1871, be printed for each member, officer, and reporter of the Legislature; 1,500 copies for the use of said institute; twenty copies for each county agricultural society in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly; ten copies for each town or union agricultural society, and fifty copies for the Regents of the University, and that the said report be bound in the same manner as last year, and distributed, as designated, without delay.

Mr. D. P. Wood moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the joint resolution relative to printing the report of the Transactions of the New York State Agricultural Society, reported in favor of the adoption of the following resolution :

*Resolved* (if the Senate concur), That twenty copies of the Transactions of the New York State Agricultural Society, for the year 1871, be printed for each member, officer, and reporter of the Legislature; 1,500 copies for the use of the society; twenty copies for the county agricultural society in each county electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly; fifteen copies for each town and union agricultural society; 420 copies for the American Institute in the city of New York, and 100 copies for the Regents of the University, and that the said report be bound in the same manner as last year, and distributed, as above provided, without delay.

Mr. D. P. Wood moved that said report be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the holding of courts of oyer and terminer for the trial of certain cases by justices of the supreme court to be assigned for that purpose," reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, said bill was ordered to a third reading.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the capital stock of corporations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to enable Timothy Baldwin, Jr., to take and hold real estate, and to release to him the interest and title in lands escheated to the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to improve and regulate the use of the Fourth avenue in the city of New York," reported in favor of the

passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Robertson, and by unanimous consent, said bill was made the special order for Tuesday evening next, at half-past seven o'clock.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Queens County Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the relief of the Rochester and State Line Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river by authorizing the city of Albany to issue its bonds, and the Delaware and Hudson Canal Company to guarantee the same for the purpose of aiding in such construction," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Hunter's Point and Flushing Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal the act, and all acts amendatory thereof, to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads so far as the same relate to the Syracuse and Tully plank-road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act declaring Cold brook, in the county of Clinton, and Alder brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the holding of a charter election in the city and county of New York on the fourth Tuesday of May, in the year 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York."

"An act to incorporate the New York and Canada Bridge Company."

"An act to amend section 10 of title 3 and section 1 of title 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany."

Mr. Winslow moved that the committee on banks be discharged from further consideration of the Assembly bill entitled "An act to incorporate the Mechanics' and Traders' Exchange of the city of Brooklyn," and that the same be referred to the committee on manufactures.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood offered the following:

*Resolved*, That a respectful message be sent to the Assembly requesting the return of Assembly bill entitled "An act to improve the navigation of the Baldwinsville canal."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows:

Assembly, "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins."

Assembly, "An act for the relief of the Standard Life Insurance Company."

Assembly, "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871."

Assembly, "An act to authorize Isabella Isler, wife of John Isler, Adelle Isler, wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to hold, devise, and convey certain real estate in the city of New York."

Assembly, "An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue, between Bridge street and Hudson avenue and Clinton avenue and Broadway, in the city of Brooklyn,' passed April 17, 1868."

Assembly, "An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building sidewalks in said town."

"An act to provide for the purchase of a steam fire-engine in the village of Saugerties, Ulster county, and for the more effectual protection of said village against fires."

Assembly, "An act legalizing the action of the town of Norfolk, St. Lawrence county, New York, in the purchase of a town hall and site."

Assembly, "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing.'"

Assembly, "An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same."

Assembly, "An act to incorporate St. Agnes Cemetery of Syracuse, New York."

Assembly, "An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe for and during their natural lives."

Assembly, "An act to amend an act entitled 'An act to incorporate the village of Savannah, Wayne county, New York,' passed April 15, 1867."

"An act concerning the Syracuse branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name."

Assembly, "An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867."

Assembly, "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871."

Assembly, "An act to provide for the improvement of a portion of the Coney Island plank-road as recently widened."

Assembly, "An act to incorporate the Rochester Savings Bank Trust Company."

Assembly, "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago."

Assembly, "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street and raise money to pay for the same."

Assembly, "An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

Assembly, "An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Elbridge and Skaneateles junction under the jurisdiction of the commissioners of highways of the town of Elbridge."

Assembly, "An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company to the Crosstown Railroad Company."

Assembly, "An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866."

Assembly, "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county."

Assembly, "An act to enable the board of education of the city of Brooklyn to sell certain lands."



Assembly, "An act amending chapter 637 of the Laws of 1866, entitled 'An act in relation to the college of the city of New York,' passed April 17, 1866."

Assembly, "An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized."

Assembly, "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions in the county of Monroe,' being chapter 46 of the Laws of 1864."

"An act to incorporate the Nassau Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the counties of New York and Queens."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act creating a board of commissioners of emigration, and conferring therein certain powers and duties," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river below the Second avenue,' passed April 4, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island and the water rights surrounding the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference, appointed by the Senate and Assembly, upon the matters of difference between the two Houses on the bill entitled "An act making appropriations for the support of the government," beg leave respectfully to report, that they have met and duly considered the several matters submitted to them, and have agreed to recommend that the Assembly concur in the following amendments to the bill, made by the Senate, as follows:

Page 2, line 27, strike out the words "thirty-five hundred," and insert the words "five thousand." Same line, after the word "dollars," add the following: "which shall be his annual salary from and after February 14, 1872; and for clerical help to the State reporter two thousand dollars." Same page, last line, strike out the words "two thousand five hundred," and insert the words "three thousand."

Page 4, line 3, after the word "salaries," insert the words "and expenses." Same page, line 5, strike out the word "one," and insert the word "two." Same line, strike out the words "ninety-eight," and insert the words "thirty-seven." Same line, after the word "thousand," insert the words "six hundred," and add as a new paragraph the following:

"The said justices of the supreme court, except in the first judicial district, shall each receive the sum of twelve hundred dollars annually, from the first day of January, 1872, in lieu of and in full of all expenses

now allowed by law. This subdivision shall not increase the pay of any judge except the justices of the supreme court."

Same page, lines 11 and 12, strike out the words "and justices of the supreme court." Same page, line 14, strike out the word "twenty," and insert the word "seven," and after the word "thousand," insert the words "six hundred." Add at the bottom of page 4, new paragraph as follows:

"For services and expenses of medical commissioners appointed pursuant to chapter 666 of the Laws of 1871, by the Governor or courts of oyer and terminer, to inquire into the medical condition of persons under indictment or conviction for offenses, the punishment of which is death, three thousand dollars; the amount to be paid in each case to be certified by the Governor."

Page 5, line 2, after the word "statutes," insert the word "and." Line 20, strike out the words "Secretary of State's office," and insert the words "office of Secretary of State." Line 30, strike out the words "Secretary of State's office," and insert the words "office of the Secretary of State." Line 33, strike out the words "Secretary of State's office," and insert the words "office of the Secretary of State."

Page 6, line 14, strike out the word "two," and insert the word "three," and in line 15 strike out the words "five hundred." In line 33 strike out, after the word "dollars," "and for compensation for transferring securities in the insurance department one thousand dollars, to be refunded to the treasury in the manner provided in chapter 366 of the Laws of 1859."

Page 7, line 3, strike out the word "two," and insert the word "three." Line 4, strike out the words "and five hundred." Line 20, strike out the word "one," and insert the word "three," and in same line strike out the words "five hundred."

Page 8, line 1, strike out the word "eighteen" and insert the words "twenty-two." Line 10, strike out the words "two thousand eight" and the words "and fifty" and insert the words "thirty-five." Line 15, after the word "dollars," insert the following: "For James Hall, the State Geologist, as compensation for authorship, the superintendence of drawings and engravings, for clerk hire and the use of working room and the arranging, labeling and distribution of the duplicate fossils and minerals, as fixed by the Lieutenant-Governor, Comptroller and Secretary of State, pursuant to chapter 715 of the Laws of 1871, \$2,500."

Page 11, line 28, strike out the word "one" and insert the word "two." Same line, strike out the words "two hundred and fifty." Same line, after the word "dollars," insert as follows: "For compensation of a botanist for arranging the herbarium in the Museum of Natural History, \$1,500." Strike out lines 29, 30 and 31.

Page 12, line 11, after the word "assistants," insert the words "and janitor." Same line, strike out the word "four" and insert the word "six." Same line, strike out the word "five" and insert the word "eight." Strike out lines 13 and 14. Line 21, after the word "dollars" insert the following: "For the special increase of the Zoological collection of the Museum of Natural History, \$1,000." Line 26, after the word "dollars" insert as follows: "For the persons employed in preparing drawings for the Natural History of the State, for compensation, \$2,500. The Syracuse University is hereby included in the provisions specified in chapter 179 of the Laws of 1868, in regard to the distribution of duplicate fossils and minerals to the Cornell University."

Page 15, line 4, after the word "seven" insert the words "and chap-

ter 295 of the Laws of 1870." Same line, strike out the word "ten" and insert the word "eleven." Same page, strike out lines 7 and 8. Insert as new paragraph after line "8" the following:

"Hudson River State Hospital for the Insane—For the salaries of the officers of the Hudson River State Hospital for the Insane, \$8,000, or so much thereof as may be necessary."

Page 16, line 7, after the word "dollars" insert the following: "For the county of Niagara to reimburse the same for moneys paid out in the support of Susan Green, an insane Indian woman in the State Lunatic Asylum, and the Willard Asylum, \$250, and hereafter said Indian woman shall be supported in the Willard Asylum at the expense of the State, so long as she shall remain insane." Same page, line 20, strike out the words "four hundred and seventy-seven" and insert the word "eighty." Line 21, strike out the word "sixty-two" and insert the word "seventy."

Page 18, line 24, strike out the word "pilot" and insert the word "harbor." Line 25, strike out the word "four" and insert the word "five," and same line, strike out the words "five hundred." Same page, line 28, strike out after the word "services" in line 28, down to and including the word "fifty" in line 30, and insert the words "fifteen thousand." Same page, line 31, strike out the words "during the same period fifteen hundred" and insert the words "six thousand." Same page, line 32, strike out all after the word "commissioners" down to and including the word "next" in line 34, and insert the following: "term of office and time to complete their work is hereby extended two years."

Page 19, line 4, after the word "dumb" insert the word "in." Lines 25 and 26, strike out the words "thirty-five" and insert the word "forty." Strike out line 33, and down to and including the word "dollars" in line 34.

Page 20, line 1, after the word "dollars" insert the following: "So much of section 9, chapter 342, of the Laws of 1865, relating to the Willard Asylum as reads as follows, 'said trustees shall also fix the rate per week, not exceeding two dollars, for the board of patients,' is hereby repealed, and the trustees of the Willard Asylum shall hereafter annually fix the price per week, not to exceed the actual cost of support and attendance, exclusive of officers' salaries, as provided in relation to the State asylums at Utica and Poughkeepsie." Same page, line 17, strike out the word "the" third occurring, and insert the following, "of the commissioners of public charities twenty-five hundred dollars and for the traveling." Line 18, after the word "commissioners," insert the word "and." Same line, before the word "office" insert the word "for." Same line, after the word "office" insert the words "expenses, clerk hire and." Line 19, strike out the word "five" and insert the word "two." Same line, after the word "thousand" insert the words "five hundred."

Page 20, continued, between lines 20 and 21 insert the following, "from the Free School Fund." Line 21, strike out the words "and training." Line 22, strike out the word "sixteen" and insert the word "eighteen." Line 24, after the word "dollars" insert the following: "Hereafter the number of members of the local board of said school, as recommended by the Superintendent of Public Instruction, shall not exceed eleven, and in addition to the present board, Arnold N. Braman and Elijah Chriswell shall be members of said board."

Page 21, strike out the paragraph commencing with line 5, down to

and including the word "mentioned" in line 14, and insert the following: "For the support of the common schools of this State, \$2,560,000, or so much thereof as shall remain of the proceeds of the tax of one and one-fourth mills upon each dollar of the taxable property of this State, levied for the support of common schools, after deducting from the proceeds of said tax the several sums appropriated in the last nine items above mentioned." Line 22, after the word "divided" add the following: "which is hereby ordered to be levied for each and every year."

Page 23, line 12, strike out the word "fifty" and insert the words "sixty-five."

Page 25, lines 4 and 5, strike out the words "in the discretion of the Comptroller."

And have further agreed to recommend that the Senate recede from the following amendments made by the Senate to the bill, as follows:

Page 8, line 33, strike out the word "seven" and insert the word "five."

Page 9, strike out lines 25, 26 and 27, and insert as follows: "For the senior commissioner of public accounts, for compensation and traveling expenses, pursuant to chapter 223 of the Laws of 1862, \$500. The office of the other two commissioners, authorized by said chapter, is hereby abolished, to take effect on the 1st day of October, 1872."

Page 10, line 8, after the word "them" insert the following:

"Inspection of Steam Boilers—For inspector-in-chief of steam boilers, created by chapter 969 of the Laws of 1867, for salary of chief and assistants, office, clerk hire, printing, traveling and contingent expenses, \$10,000."

Page 10, line 26, strike out the word "three" and insert the word "five."

Page 12, line 3, strike out the word "four" and insert the word "five."

Page 13, strike out lines 1, 2 and 3, and insert as follows: "For salary of the entomologist of the State Society, \$1,000."

Page 18, line 25, after the word "dollars" insert the following: "and for the compensation to the harbor commissioners, \$5,000, one thousand dollars to each commissioner."

All of which is respectfully submitted.

THOMAS G. ALVORD,  
JOHN S. MARCY,  
DANIEL G. FORT,  
ARCH. KENNEDY,  
JOHN C. JACOBS,

*Assembly Committee.*

D. P. WOOD,  
C. H. ADAMS,  
J. LORD,

*Senate Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Baker	Graham	Lowery	Robertson	Winslow
Benedict	Harrower	McGowan	Tiemann	D. P. Wood
Bowen	Lewis	Madden	Wagner	Woodin

20

FOR THE NEGATIVE.

Cock

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Otselic Reservoir Company in the counties of Madison and Chenango," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862; passed May 9, 1867; passed April 29, 1869," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, and by unanimous consent, the bill entitled "An act to regulate the running of certain ferries between the city of New York and that portion of the city of Brooklyn lying between the Navy yard and Bushwick creek, and to establish the rates of ferriage thereon," was recommitted to the committee on commerce and navigation, with power to report complete.

Mr. Bowen offered the following :

*Resolved*, That the judiciary committee be instructed to report to the Senate Assembly bill No. 236, entitled "An act to prevent frauds in the sale of patent rights," on or before the 30th day of April instant.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Madden, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof," was recommitted to the committee on the affairs of cities, with power to report complete.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Madden offered the following :

*Resolved* (if the Assembly concur), That section 6 of article 7 of the Constitution be amended so as to read as follows :

"The Legislature may sell, lease, or otherwise dispose of any of the canals of the State, except the Erie, Champlain, Oswego, Cayuga, and Seneca, which shall remain the property of the State forever and under its management."

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators; and that, in conformity to section 1 of article 13 of the Consti-



tution, it be published for three months previous to the time of such election.

Mr. Lewis moved that said resolution be referred to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, April 26, 1872. }

*To the Senate:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 262, entitled "An act to provide for the endowment of the Unadilla Academy."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Tiemann
Baker	Dickinson	Lewis	Murphy	Winslow
Benedict	Foster	Lord	Perry	D. P. Wood
Bowen	Graham	Lowery	Robertson	Woodin
Chatfield				

21

On motion of Mr. McGowan, and by unanimous consent, said bill was amended as follows:

Strike out, in section 1, lines 8, 9, 10, 11, and 12, and insert the following:

"Appropriate ten thousand dollars, being a part of a surplus of the moneys of said town in the hands of the railroad commissioners of said town, and for which surplus moneys said town has incurred toward."

Section 3, strike out part of the word "number" in line 1, and the whole of lines 2 and 3, and insert in lieu thereof the words "sum of ten thousand dollars."

Same section, line 11, strike out all after the word "commissioners" down to and including the word "stock" in line 12.

Section 4, line 1, strike out all after the word "the" down to and including the word "money" in line 2.

Section 5, line 2, strike out all after the word "the," second occurring, down to and including the word "the," first occurring, line 3.

Section 6, line 3, strike out all after the word "said" down to and including the word "sold" in line 4, and insert in lieu thereof the words "ten thousand dollars."

Same section, line 4, strike out the words "dividends and."

Same section, line 5, strike out all after the word "the" down to and including the word "created" in line 6, and insert in lieu thereof the words "use of the town of Unadilla."

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:



## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Chatfield	Johnson	Madden	Wagner	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to persons employed in the department of public instruction in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to certain suits and proceedings by and against the late Metropolitan Fire Department in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Winslow presented a memorial in favor of local prohibition, which was read and committed to the committee of the whole.

The Assembly bill entitled "An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain in the county of Essex,' passed April 14, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## . FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Winslow
Allen	Dickinson	Lewis	Tiemann	D. P. Wood
Baker	Foster	Lord	Wagner	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
Chatfield	Harrower	Perry		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	McGowan	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Benedict moved to take from the table the vote by which the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Weismann
Allen	Chatfield	Graham	Palmer	D. P. Wood
Baker	Cock	Harrower	Robertson	Woodin
Benedict	Dickinson	Lord	Tiemann	

19

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Lowery	Robertson
Allen	Dickinson	Johnson	McGowan	Wagner
Baker	Foster	Lewis	Madden	Weismann
Chatfield	Graham	Lord	Palmer	D. P. Wood

20

## FOR THE NEGATIVE.

Bowen	Perry	Tiemann		
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Madden	Wagner	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the formation of free public libraries," was read a third time.

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Chatfield	Johnson	Madden	Wagner	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to persons employed in the department of public instruction in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to certain suits and proceedings by and against the late Metropolitan Fire Department in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Winslow presented a memorial in favor of local prohibition, which was read and committed to the committee of the whole.

The Assembly bill entitled "An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain in the county of Essex,' passed April 14, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## . FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Winslow
Allen	Dickinson	Lewis	Tiemann	D. P. Wood
Baker	Foster	Lord	Wagner	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin
Chatfield	Harrower	Perry		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet in the village of Ithaca," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	McGowan	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Benedict moved to take from the table the vote by which the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Weismann
Allen	Chatfield	Graham	Palmer	D. P. Wood
Baker	Cock	Harrower	Robertson	Woodin
Benedict	Dickinson	Lord	Tiemann	

19

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Lowery	Robertson
Allen	Dickinson	Johnson	McGowan	Wagner
Baker	Foster	Lewis	Madden	Weismann
Chatfield	Graham	Lord	Palmer	D. P. Wood

20

FOR THE NEGATIVE.

Bowen	Perry	Tiemann
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Madden	Wagner	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the formation of free public libraries," was read a third time.

The President then put the question whether the Senate would agree to said motion to strike out the word "coin" from the first section of said bill, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Benedict	Chatfield	McGowan	Wagner	Woodin	
Bowen	Dickinson	Palmer	D. P. Wood		9

## FOR THE NEGATIVE.

Adams	Foster	Lord	Murphy	Tiemann	
Allen	Harrower	Lowery	Perry	Weismann	
Baker	Johnson	Madden	Robertson	Winslow	
Cock	Lewis				17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Wagner	
Baker	Foster	Lowery	Perry	Winslow	
Benedict	Harrower	McGowan	Robertson	D. P. Wood	
Chatfield	Johnson	Madden	Tiemann	Woodin	
Cock	Lewis	Murphy			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act empowering the Buffalo Street Railroad Company to make certain advances to, and contracts with, the Buffalo East Side Street Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The bill entitled "An act to amend section 10 of title 3 and section 1 of title 10 of chapter 77 of the Laws of 1870, passed March 16, 1870, relating to the appointment to office by the mayor of the city of Albany," having been announced for a third reading,

Mr. Johnson moved that said bill be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Johnson	Lord	McGowan	Murphy	Tiemann	5
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## FOR THE NEGATIVE.

Adams	Bowen	Graham	Perry	Winslow	
Allen	Chatfield	Lewis	Robertson	D. P. Wood	
Baker	Dickinson	Lowery	Wagner	Woodin	
Benedict	Foster	Palmer	Weismann		19

Mr. Johnson moved that said bill be recommitted to the committee on the affairs of cities, with instructions to amend as follows :

In section 1, lines 10 and 11, strike out the words "and such other officers as they may deem proper."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Lord	McGowan	Murphy	Tiemann	
Johnson					6

## FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Wagner	D. P. Wood	
Benedict	Dickinson	Madden	Weismann	Woodin	
Bowen	Graham	Robertson	Winslow		14

Mr. Murphy moved to recommit said bill to the committee on the affairs of cities, with instructions to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Johnson	Lord	Murphy	Tiemann	5
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## FOR THE NEGATIVE.

Adams	Bowen	Foster	Lewis	Winslow	
Allen	Chatfield	Graham	McGowan	D. P. Wood	
Baker	Dickinson	Harrower	Weismann	Woodin	
Benedict					16

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Perry	Winslow	
Allen	Chatfield	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Lewis	Wagner	J. Wood	
Benedict	Foster	Palmer	Weismann		19

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Murphy	Tiemann	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to revise, amend, and consolidate the several acts in relation to the charter of the city of Hudson," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Palmer, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Weismann	
Allen	Chatfield	Harrower	Perry	Winslow	
Baker	Dickinson	McGowan	Robertson	D. P. Wood	
Benedict	Foster	Madden	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Palmer moved that the Assembly bill entitled "An act to provide for the holding of a charter election in the city and county of New York



on the fourth Tuesday of May, 1872," be made the special order for this evening at half-past seven o'clock, and that a session be held at that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Thomas O'Brien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" reported that they have met and deliberated thereon, and have agreed to recommend that the Senate recede from the portion of the amendment expressed in section 1, in the following words: "one of whom shall act as clerk and bank messenger," and also from the portion of the amendments in section 3, expressed in the following words: "to the clerks and bank messenger of the Senate," and that the Assembly concur in the other amendments.

D. P. WOOD,  
L. L. LEWIS,  
WM. JOHNSON,  
*Senate Committee.*

W. W. NILES,  
N. M. HOUGHTON,  
DOMINICK H. ROCHE,  
C. S. SAGE,  
*Assembly Committee.*

The President put the question whether the Senate would agree to concur in the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Wagner	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence in the report of the conference committee.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to regulate the running of certain ferries between the city of New York and that portion of the city of Brooklyn lying between the Navy yard and Bushwick creek, and to establish the rates of ferriage thereon," with power to report complete, reported the same complete, with amendments, and have amended the title so as to read as follows: "An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries;" which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis moved that no bills be considered in the committee of the whole, except those that cannot be considered by the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of two o'clock having arrived, the President resumed the chair, and the Senate took a recess until half-past seven o'clock, P. M.

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### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Madden moved that the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis moved that the Assembly bill entitled "An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly sent for concurrence the bills entitled as follows:

"An act to confirm the oath of Henderson Harger, collector of taxes of the town of Carrollton, in the county of Cattaraugus, to his return for the non-payment of non-resident taxes of the year 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in regard to Union Free School District No. 1 in the town of Milton, and to enlarge its boundaries, and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to abolish the office of the trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate,

on the fourth Tuesday of May, 1872," be made the special order for this evening at half-past seven o'clock, and that a session be held at that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Graham, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Thomas O'Brien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" reported that they have met and deliberated thereon, and have agreed to recommend that the Senate recede from the portion of the amendment expressed in section 1, in the following words: "one of whom shall act as clerk and bank messenger," and also from the portion of the amendments in section 3, expressed in the following words: "to the clerks and bank messenger of the Senate," and that the Assembly concur in the other amendments.

D. P. WOOD,  
L. L. LEWIS,  
WM. JOHNSON,  
*Senate Committee.*

W. W. NILES,  
N. M. HOUGHTON,  
DOMINICK H. ROCHE,  
C. S. SAGE,  
*Assembly Committee.*

The President put the question whether the Senate would agree to concur in the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Graham	Lowery	Wagner	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence in the report of the conference committee.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to regulate the running of certain ferries between the city of New York and that portion of the city of Brooklyn lying between the Navy yard and Bushwick creek, and to establish the rates of ferriage thereon," with power to report complete, reported the same complete, with amendments, and have amended the title so as to read as follows: "An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries;" which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lewis moved that no bills be considered in the committee of the whole, except those that cannot be considered by the select committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of two o'clock having arrived, the President resumed the chair, and the Senate took a recess until half-past seven o'clock, P. M.

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### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Madden moved that the bill entitled "An act to authorize the commissioners of highways of the town of Blooming Grove, in the county of Orange, to lay out a public highway in said town," be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis moved that the Assembly bill entitled "An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly sent for concurrence the bills entitled as follows:

"An act to confirm the oath of Henderson Harger, collector of taxes of the town of Carrollton, in the county of Cattaraugus, to his return for the non-payment of non-resident taxes of the year 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act in regard to Union Free School District No. 1 in the town of Milton, and to enlarge its boundaries, and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to abolish the office of the trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate,

grade, macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act relative to the care and education of deaf-mutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to incorporate the New York and South American Contract Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Genesee Valley Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide for the dissolution of religious societies, except in the city and county of New York, and for the sale and disposition of the proceeds of the property of such societies."

"An act further to amend chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh land.'"

"An act to prevent and punish certain fraudulent practices in relation to altering counterfeit money or coin."

"An act to open, widen, straighten, work, and grade Third avenue in the town of Morrisania."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

"An act to legalize and to provide for the election of trustees of Sleepy Hollow Cemetery at Tarrytown, and to confirm their official acts."

"An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango."

"An act to amend an act entitled 'An act to provide for the improvement of Grass river and of the water power thereon, and to check freshets therein.'"

"An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857."

"An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages."



"An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete certain streets in said city."

*Ordered*, That the Clerk return said bills to the Assembly.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *April 25, 1872,*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to incorporate the Riverhead Savings Bank."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Marcy, and by unanimous consent, the same was amended as follows:

In section 1, after the words "Riverhead Savings Bank," insert the words "to be located in the village of Riverhead, Suffolk county."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Graham	Lowery	Palmer	Weismann
Benedict	Harrower	McGowan	Perry	Winslow
Cock	Johnson	Madden	Tiemann	Woodin
Dickinson	Lewis			

17

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	Palmer	Weismann
Benedict	Graham	McGowan	Perry	Winslow
Bowen	Johnson	Madden	Tiemann	Woodin
Cock	Lewis			

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bills entitled as follows:

"An act to provide for the holding of a charter election in the city and county of New York on the fourth Tuesday of May, in the year 1872."

"An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers."

After some time spent therein, the President resumed the chair, and Mr. Cock, from said committee, reported that they had made some amendments to the first named bill, and amended the title thereof by striking out the words "fourth Tuesday," and inserting in lieu thereof the words "Friday, the 31st day;" which report was agreed to, and said bill ordered to a third reading.

Mr. Cock, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.



Mr. Benedict, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act relating to assessments in the city of New York," reported the same to the Senate for its consideration, with amendments, and the title amended so as read as follows: "An act relating to assessments and other proceedings relative to local improvements and public work in the city of New York."

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioner of charities of the county of Kings," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglass, and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to make provision for the improvement of the several parks, squares, and places in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to supply the city of Rochester with pure and wholesome water," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open Eighth avenue from Tenth street to Greenwood Cemetery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend chapter 583 of the Laws of 1871, entitled 'An act to make provision for the local government of the city and county of New York,' passed April 9, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein, and to amend the charter of said city,' passed April 16, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Oswego to borrow and disburse money for city purposes," reported in

favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the city of Yonkers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general ordres, being the bills entitled as follows:

Assembly, "An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away therein of intoxicating liquors shall be prohibited, to regulate the sale for medicinal, mechanical, chemical, or sacramental use, and to provide for the enforcement of this act."

Assembly, "An act to provide for the better education of minors employed in manufactories in this State."

"An act dividing the State into congressional districts."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. McGowan, from the same committee, reported that they had stricken out the enacting clause from the second named bill, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. McGowan, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Palmer moved that the Assembly bill entitled "An act to provide for the holding of a charter election in the city and county of New York on the fourth Tuesday of May, in the year 1872," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	McGowan	Perry	Winslow
Allen	Dickinson	Madden	Robertson	D. P. Wood
Baker	Harrower	Palmer	Weismann	Woodin
Benedict	Lowery			

17

FOR THE NEGATIVE.

Cock	Johnson	Lord
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Perry moved that the Assembly bill entitled "An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	McGowan	Perry	Winslow	
Allen	Dickinson	Madden	Robertson	D. P. Wood	
Baker	Lewis	Palmer	Weismann	Woodin	
Benedict	Lowery				17

FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved that the Assembly bill entitled "An act to create in the city of Brooklyn and county of Kings the department of public charities and corrections, and to abolish the office of commissioners of charities of the county of Kings," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lowery	Perry	Winslow	
Allen	Dickinson	McGowan	Robertson	D. P. Wood	
Baker	Harrower	Madden	Weismann	Woodin	
Benedict	Lewis	Palmer			18

FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866," was read a time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Robertson	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Harrower	McGowan	Weismann	Woodin
Benedict	Lewis	Palmer		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cock moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Lord, and by unanimous consent, the committee of the whole was discharged from further consideration of the Assembly bill entitled "An act to supply the city of Rochester with pure and wholesome water," and was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	McGowan	Weismann
Allen	Cock	Lewis	Madden	Winslow
Baker	Graham	Lord	Robertson	D. P. Wood
Benedict	Harrower	Lowery	Tiemann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

On motion of Mr. Allen, the Senate adjourned.

## SATURDAY, APRIL 27, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Snively.

The journal of yesterday was read and approved.

Mr. Robertson, from the committee on the judiciary, to which was referred the bill entitled "An act to confer upon the supreme court jurisdiction over proceedings instituted to permit municipal corporations to aid in the construction of railroads, passed April 2, 1850," reported that they had made some amendments thereto, and amended the title so as to read as follows: "An act to confer jurisdiction upon the supreme court, or the judges thereof, in proceedings under chapter 907 of the Laws of 1869, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,' so as to permit municipal corporations to aid in the construction of railroads, as amended by chapter 925 of the Laws of 1871, and to repeal section 10 of said act as thus amended," and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the publication of notices and citations," reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie, in aid of the construction of the Poughkeepsie and Eastern railroad, and to invest the same, or the avails thereof, in the first mortgage bonds of the said railroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time of beginning the construction of the Newburgh and Midland railway, and expending ten per cent of the amount of its capital stock thereon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act for the relief of the Lake Champlain and Moriah Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bowen, from the select committee of nine, reported the following entitled bills complete:

"An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

Assembly, "An act to amend an act entitled 'An act for establishing a turnpike road between the cities of Albany and Schenectady,' passed March 30, 1802, and authorizing the president, directors, and company of said turnpike road to abandon a part of their road."

Assembly, "An act to regulate the rate of charges for carrying passengers on the Gloversville and Northville railroad."

Assembly, "An act to authorize the common council of the city of Brooklyn to open Eighth avenue from Tenth street to Greenwood Cemetery."

Assembly, "An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island, and the water rights surrounding the same." [With amendments.]

Assembly, "An act in relation to the unadjusted claims of the soldiers in the war of 1812."

Assembly, "An act to incorporate the Mechanicville Bridge Company for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke."

Assembly, "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes."

Assembly, "An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein; and to amend the charter of said city,' passed April 16, 1870."

Assembly, "An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct bridges over the Nepperhan river,' passed April 19, 1871."

Assembly, "An act to incorporate the Otselio Reservoir Company in the counties of Madison and Chenango."

"An act to amend an act entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party in certain cases,' passed May 10, 1867."

"An act to amend the charter of the Lutheran Cemetery at Middle Village, Long Island." [With amendments.]

Assembly, "An act to incorporate the St. Patrick's Temperance and Benevolent Society of Kingbridgeville, in the county of Westchester."

Assembly, "An act to open and extend South Eleventh street in the city of Brooklyn from its present termination to Third street."

Assembly, "An act for the relief of Thomas O'Brien."

Assembly, "An act to amend an act entitled 'An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village of Saratoga Springs, passed May 5, 1870,' passed April 22, 1872."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the construction of a bridge over the Glen's Falls feeder in the village of Glen's Falls," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal to connect Munger and Averill streets in said city,' passed April 7, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the construction of a farm bridge over the Champlain canal for the benefit of Hiram Cramer in the town of Saratoga, county of Saratoga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was



referred the Assembly bill entitled "An act conferring jurisdiction upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct a bridge over the Erie canal in the town of Gates, in the county of Monroe," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to amend the several acts in relation to State prisons," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed April 12, 1855, as amended by 'An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed May 9, 1868, and for the purpose of securing an additional supply of water for the use of said village,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 323 of the Laws of 1859, entitled 'An act to define the powers and duties of the superintendents of the poor in the county of Monroe,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the Journeymen Ship Joiners' Benevolent Association of the city of New York,' passed April 13, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the proprietors of the Shinnecock Hills and lands in the town of Southampton, Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relating to the Queens County Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act relating to certain non-resident highway taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the sale of the State armory at Ballston Spa," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor asking the return, for amendment, of Assembly bill No. 176, entitled "An act in relation to challenges of jurors in criminal cases."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows :

*Resolved*, That the House conclude its legislative business, as far as possible, on Wednesday, May first, at twelve o'clock, noon ; that the report of the judiciary committee on the charges against certain judges in New York city be made a special order for that day and hour ; that the House then enter upon "proceedings for impeachment," and that notice thereof be given to the honorable the Senate, and to the Comptroller of the State.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to provide for the holding of a charter election in the city and county of New York on Friday, the 31st day of May, in the year 1872."

"An act to supply the city of Rochester with pure and wholesome water."

"An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain in the county of Essex,' passed April 14, 1841."

"An act to revise, amend, and consolidate the several acts in relation to the charter of the city of Hudson."

"An act to provide for the formation of free public libraries."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Robertson moved that the Assembly bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their rail road from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," be made the special order for Tuesday evening next, and be considered in the same committee of the whole with the special order already set down for that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Palmer	Weismann
Baker	Foster	Lord	Perry	Winslow
Benedict	Graham	Lowery	Robertson	D. P. Wood
Bowen	Harrower	Madden	Tiemann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey certain lands in the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann	
Allen	Foster	Lord	Perry	Winslow	
Baker	Graham	Lowery	Robertson	D. P. Wood	
Bowen	Harrower	Madden	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the taking of certain lands in the city of Buffalo for the purposes of an avenue leading from the Parade park southerly to Seneca street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Madden	Tiemann	
Allen	Cock	Lewis	Palmer	Winslow	
Baker	Foster	Lord	Perry	D. P. Wood	
Benedict	Graham	Lowery	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the holding of courts of oyer and terminer for the trial of certain cases by justices of the supreme court to be assigned for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Weismann	
Allen	Foster	Lord	Perry	Winslow	
Baker	Graham	Lowery	Robertson	D. P. Wood	
Benedict	Harrower	Madden	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to incorporate the Nassau Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the counties of New York and Queens."

"An act to provide for the purchase of a steam fire-engine in the village of Saugerties, Ulster county, and for the more effectual protection of said village against fires."

"An act concerning the Syracuse Branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name."

“An act to amend an act entitled ‘An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes, in the town of Newtown, Queens county,’ passed April 11, 1871.”

“An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries.”

“An act dividing the State into congressional districts.”

The bill entitled “An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	Madden	Tiemann	Woodin
Benedict	Lewis	Palmer	Weismann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, and by unanimous consent, the committee of the whole was discharged from the further consideration of the bill entitled “An act to confer jurisdiction upon the supreme court, or the judges thereof, in proceedings under chapter 907 of the Laws of 1869, entitled ‘An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,’ so as to permit municipal corporations to aid in the construction of railroads as amended by chapter 925 of the Laws of 1871, and to repeal section 10 of said act as thus amended,” and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Allen	Foster	Madden	Tiemann	D. P. Wood
Baker	Graham	Palmer	Weismann	Woodin
Benedict	Harrower	Perry		18

FOR THE NEGATIVE.

Bowen	Lowery	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lewis moved that the bill entitled “An act extending the jurisdiction of the park commissioners of the city of Buffalo,” be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled “An act to amend an act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein, and to amend the charter of said city, passed April 16, 1870,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Allen	Foster	Lord	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Weismann offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return, for amendment, of the bill entitled "An act in relation to courts of records and other courts in New York."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Winslow
Allen	Foster	Lord	Perry	D. P. Wood
Baker	Graham	Lowery	Robertson	Woodin
Benedict	Harrower	Madden	Weismann	

19

## FOR THE NEGATIVE.

Tiemann

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

A message was received from the Assembly returning the Assembly bill entitled "An act to improve the navigation of the Baldwinsville canal."

Mr. D. P. Wood moved to reconsider the vote agreeing to the adverse report of the committee on canals, and that said bill be recommitted to the committee on canals, with power to report at any time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Chemung canal in the village of Watkins, in Schuyler county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Weismann
Allen	Foster	Lord	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act relating to building bridges in the village of Niagara Falls, passed April 27, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Madden	Weismann
Allen	Cock	Lewis	Palmer	Winslow
Baker	Foster	Lord	Perry	D. P. Wood
Benedict	Graham	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Weismann
Allen	Foster	Lord	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The bill entitled "An act dividing the State into congressional districts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Benedict	Graham	Lowery	Weismann
Allen	Bowen	Harrower	Madden	Winslow
Baker	Foster	Lewis	Perry	

14

FOR THE NEGATIVE.

Lord	Robertson	Tiemann	D. P. Wood	4
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Mr. Madden moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The Assembly bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baker	Bowen	Graham	Lewis	Weismann	
Benedict	Foster	Harrower			8

**FOR THE NEGATIVE.**

Adams	Lord	Palmer	Tiemann	D. P. Wood	
Allen	Madden	Perry	Winslow	Woodin	10

Mr. D. P. Wood asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Wood subsequently voted in the negative.

Mr. Lewis moved that the vote by which said bill was lost be reconsidered, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Allen	Foster	Lowery	Robertson	Winslow	
Baker	Graham	Madden	Tiemann	D. P. Wood	
Benedict	Harrower	Palmer	Weismann	Woodin	
Bowen	Lord	Perry			18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize Isabella Isler, wife of John Isler, Adelle Isler, wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to hold, devise, and convey certain real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Weismann
Allen	Foster	Lord	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue, between Bridge street and Hudson avenue and Clinton avenue and Broadway, in the city of Brooklyn,' passed April 17, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Foster	Lord	Robertson	D. P. Wood
Baker	Graham	Madden	Tiemann	Woodin
Benedict	Harrower	Palmer	Weismann	
				19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building sidewalks in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Weismann
Allen	Foster	Lord	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Winslow moved that when the Senate adjourn to-day it adjourn to meet on Monday evening at half-past seven o'clock.

Mr. Bowen moved to amend by substituting Tuesday morning at eleven o'clock.

The President put the question whether the Senate would agree to said motion of Mr. Bowen to amend, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bowen	Harrower	Lord	Lewis	Weismann
Graham	Lewis			
				7

FOR THE NEGATIVE.

Adams	Foster	Palmer	Tiemann	D. P. Wood
Allen	Lowery	Robertson	Winslow	Woodin
Baker	Madden			
				12

Mr. Bowen moved to amend by substituting this evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lewis	Lowery	
Allen	Foster	Harrower	Lord	Perry	10

FOR THE NEGATIVE.

Baker	Madden	Robertson	Weismann	D. P. Wood	
Cock	Palmer	Tiemann	Winslow	Woodin	10

Mr. Graham moved to amend by substituting this evening at eight o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Allen	Foster	Harrower	Lord	Perry	
Bowen	Graham	Lewis	Lowery		9

FOR THE NEGATIVE.

Adams	Madden	Robertson	Weismann	D. P. Wood	
Baker	Palmer	Tiemann	Winslow	Woodin	
Cock					11

The President then put the question whether the Senate would agree to said motion of Mr. Winslow, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Madden	Robertson	Weismann	D. P. Wood	
Baker	Palmer	Tiemann	Winslow	Woodin	
Cock					11

FOR THE NEGATIVE.

Allen	Foster	Harrower	Lord	Perry	
Bowen	Graham	Lewis	Lowery		9

Mr. Bowen moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bowen	Graham	Harrower	Lord	Perry	
Foster					6

FOR THE NEGATIVE.

Adams	Benedict	Madden	Tiemann	D. P. Wood	
Allen	Cock	Palmer	Weismann	Woodin	
Baker	Lowery	Robertson	Winslow		14

The Assembly returned the bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all of sections 1, 2, 3, 4, and 5, and insert in lieu thereof the following:

"SECTION 1. Section one of chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-one, entitled 'An act to make provision for the local government of the city and county of New York,' is hereby amended so as to read as follows:

"§ 1. The board of supervisors of the county of New York are authorized and required to raise by tax upon the estates, real and personal, sub-

ject to taxation in the city and county of New York, in the year eighteen hundred and seventy-one, the amount directed to be raised by the board mentioned in the third section of this act, which amount shall not exceed, in the aggregate, a sum equal to two per cent upon the valuation of such estates fixed for the year eighteen hundred and seventy-one by the commissioners of taxes and assessments for the city and county of New York, in addition to the excess, if any, of the quota of the State tax for said county over the amount charged on said county for State taxes in the year eighteen hundred and seventy. But the aggregate amount raised, including the State taxes, shall not exceed the sum of twenty-five millions of dollars. And in the year eighteen hundred and seventy-two, the said board of supervisors are authorized and required to raise in the same manner the amount directed to be raised by the board mentioned in the third section of this act, or by such other authority as shall be vested by law with the power to direct the amount to be raised in said city and county, which amount shall not exceed, in the aggregate, a sum equal to two and three-quarters per cent upon the valuation of such estates fixed for the year eighteen hundred and seventy-one by the commissioners of taxes and assessments for the said city and county, in addition to the excess, if any, of the quota of the State tax for said county over the amount charged on said county for State taxes in the year eighteen hundred and seventy, notwithstanding the aggregate amount so raised, including the State taxes, shall exceed the sum of twenty-five millions of dollars.

“§ 2. Out of the sum hereby authorized to be raised shall be paid the amounts apportioned or raised to provide for the apportionments made, or to be made, under and pursuant to chapters nine and twenty-nine of the laws of eighteen hundred and seventy-two, and the remainder of said sum, and the proceeds of the general fund of said city, for the year eighteen hundred and seventy-two, shall be apportioned and set apart, subject to the provisions of said chapters nine and twenty-nine, as provided and directed by chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-one. The apportionment for eighteen hundred and seventy-two, directed to be made by section three of said chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-one, may be made at any time within twenty days after the first day of May, eighteen hundred and seventy-two, by the votes of a majority of the members of the board created by said section.

“§ 3. It shall be lawful for the comptroller of said city to apply any moneys now in the treasury of said city or county, or that may hereafter be therein, derived from taxes or revenues outstanding and due to the city or county general funds on the first day of January, eighteen hundred and seventy-two, or that may be reimbursed to the treasury from any account to which they have been temporarily advanced, to the payment of the revenue bonds of the city or county of New York now outstanding and unpaid, which were issued pursuant to the provisions of chapter one of the laws of eighteen hundred and seventy-two, to provide means for the payment of revenue bonds of eighteen hundred and seventy-one falling due on or about fifteenth day of January, eighteen hundred and seventy-two, any acts or laws to the contrary notwithstanding.

“§ 4. To provide the means to pay the revenue bonds of the city or county of New York, issued or that may hereafter be issued, under and by virtue of chapter nine or twenty-nine of the laws of eighteen hundred and seventy-two, and also to pay such of the revenue bonds of the city

or county of New York, issued under and by virtue of chapter one of the laws of eighteen hundred and seventy-two, as may be unpaid at the time of the issue of the bonds hereby authorized, and to provide the means to pay the amount of assessments that have been vacated, or may hereafter be vacated, by order of the supreme court, it shall be lawful for the comptroller of the city of New York, and he is hereby authorized and empowered to create and issue so much 'consolidated stock of the city of New York,' or so much 'consolidated stock of the county of New York,' as shall be necessary to provide the means to pay said revenue bonds at or before their maturity, and the amount of said assessments so vacated. The said consolidated stocks, hereby authorized to be created and issued, shall be created and issued in the manner prescribed by, and be subject to the provisions of, chapter three hundred and twenty-two or of chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-one, the same as if the consolidated stocks hereby authorized had been included in, and authorized to be issued under and by virtue of said chapter three hundred and twenty-two, or three hundred and twenty-three, of the laws of eighteen hundred and seventy-one.

"§ 5. This act shall take effect immediately."

And amended the title so as to read as follows :

"An act to amend an act entitled 'An act to make provision for the local government of the city of New York,' passed April 19, 1871, and to make further provision therefor for the year 1872."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Foster	Madden	Robertson	D. P. Wood
Baker	Harrower	Palmer	Tiemann	Woodin
Benedict				

16

FOR THE NEGATIVE.

Bowen	Lewis	Winslow
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3

Mr. Madden moved to reconsider the vote on said amendments, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. Allen offered the following :

*Resolved*, That the committee on privileges and elections of the Senate be, and are hereby authorized to sit during the recess of the Senate in the city of New York, or elsewhere, for the purpose of taking testimony in the matter of the petitions and memorials heretofore referred to such committee touching the right of William M. Tweed to a seat in this body from the Fourth Senatorial district. Said committee shall have authority to require the attendance of the sergeant-at-arms of the Senate at its sittings, or his assistant; also, the stenographer of the Senate; or, in case the last named officer cannot attend, to employ another in his place; also, to employ a messenger; also, with power to summon witnesses, administer oaths, and require the production of all necessary books and papers, and authority to print the evidence taken from time to time, and shall make a full report to the Senate at its next regular session, and that said committee give notice of such investigation to said William M. Tweed.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Allen moved that the bill entitled "An act to provide for reopening West avenue in Long Island City, Queens county, and to repeal section 5 of an act entitled 'An act to lay out, construct, and maintain a public road from the foot of East Second street, in Long Island City, to D street in Blissville, Queens county, and to close certain streets in Long Island City, Queens county,' passed May 1, 1868," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate a seminary of education under the name of the Tracy Female Institute,' passed April 17, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend, extend, and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, the Senate adjourned.

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### MONDAY, APRIL 29, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

Mr. Cock announced the death of Senator Hardenbergh, and moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

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### TUESDAY, APRIL 30, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hazen.

The journal of Saturday was read and approved.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend chapter 323 of the Laws of 1859, entitled 'An act to define the powers and duties of the superintendents of the poor in the county of Monroe,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Genesee Valley Water-works Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to abolish the office of the trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to confer jurisdiction upon the supreme court, or the judges thereof, in proceedings under chapter 907 of the Laws of 1869, entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, as amended by chapter 975 of the Laws of 1871, and to repeal section 10 of said act as thus amended."

"An act to amend an act entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party in certain cases,' passed May 10, 1867."

"An act to amend the charter of the Lutheran Cemetery at Middle Village, Long Island."

"An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

"An act to amend an act entitled 'An act to amend the charter of the Buffalo Orphan Asylum,' passed April 2, 1839."

"An act to amend chapter 750 of the Laws of 1871, entitled 'An act to incorporate the trustees of the estate belonging to the diocese of Long Island, and to authorize said corporation to acquire and hold land for religious, charitable, and benevolent purposes.'"

Mr. Bowen, from the select committee of nine, reported complete the following entitled bills:

Assembly, "An act to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie, in aid of the construction of the Poughkeepsie and Eastern railroad, and to invest the same or the avails thereof in the first mortgage bonds of the said railroad company."

Assembly, "An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river below the Second avenue,' passed April 4, 1868."

"An act to amend the Revised Statutes in relation to laying out public roads, and the alteration thereof in the county of Dutchess."

Assembly, "An act empowering the Buffalo Street Railroad Company to make certain advances to, and contracts with, the Buffalo East Side Street Railway Company."

Assembly, "An act to amend, extend, and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870."

Assembly, "An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany."

Assembly, "An act for the relief of the Lake Champlain and Moriah Railroad Company."

Assembly, "An act authorizing the formation of a separate road district in the town of Jay, county of Essex."

"An act to make provision for the improvement of the several parks, squares, and places in the city of New York."

Assembly, "An act in relation to the publication of notices and citations."

Assembly, "An act declaring Cold brook, in the county of Clinton, and Alder brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways."

Assembly, "An act to amend chapter 583 of the Laws of 1871, entitled 'An act to make provision for the local government of the city and county of New York,' passed April 9, 1871."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act in relation to plank-roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend the charter of the Buffalo Orphan Asylum,' passed April 2, 1839," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lewis, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	McGowan	Robertson	D. P. Wood
Baker	Foster	O'Brien	Tiemann	J. Wood
Benedict	Lewis	Perry	Weismann	Woodin
Bowen	Lowery			

17

FOR THE NEGATIVE.

Chatfield

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to provide for a board of commissioners to prepare a charter for the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to provide for the payment of certain claims for work done and services rendered the government of the city of New

York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Wagner asked and obtained leave to introduce a bill entitled "An act to incorporate the Schenectady Literary and Scientific Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend chapter 750 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled "An act in relation to plank-roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company in the city of Brooklyn,' passed April 11, 1864," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return of Assembly bill No. 427, being "An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," to the Senate for amendment.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk Valley, and the preparation of the natural products of the soil for market," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act for the relief of the Standard Life Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Palmer	Wagner	D. P. Wood
Baker	Graham	Perry	Weismann	J. Wood
Chatfield	Lowery	Robertson	Winslow	Woodin
Cock	McGowan	Tiemann		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Saugerties, Ulster county, and for the more effectual protection of said village against fires," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Johnson	Robertson	D. P. Wood
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Foster	Lowery	Wagner	Woodin
Bowen	Graham			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act legalizing the action of the town of Norfolk, St. Lawrence county, New York, in the purchase of a town hall and site," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	Lewis	O'Brien	Weismann
Baker	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Madden	Wagner	Woodin
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled "An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	Lord	Robertson	Winslow
Bowen	Graham	Lowery	Tiemann	D. P. Wood
Chatfield	Harrower	Madden	Wagner	J. Wood
Cock	Johnson	O'Brien	Weismann	Woodin
Dickinson	Lewis	Perry		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. D. P. Wood, and by unanimous consent, the Senate then resolved itself into a committee of the whole, and proceeded to the

consideration of the special order, being the Assembly bill entitled as follows:

"An act to provide for the payment of certain officers and employees of the Senate and Assembly for their services."

After some time spent therein the President resumed the chair, and Mr. Benedict, from said committee, reported in favor of the passage of said named bill, which report was agreed to, and said bill ordered to a third reading.

The Assembly bill entitled "An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Perry	Weismann
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	Lowery	Wagner	Woodin
Chatfield	Harrower	O'Brien		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to incorporate St. Agnes Cemetery of Syracuse, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Robertson	Winslow
Baker	Dickinson	Lewis	Tiemann	D. P. Wood
Benedict	Foster	Lord	Wagner	J. Wood
Bowen	Graham	O'Brien	Weismann	Woodin
Chatfield	Harrower			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp, and Elizabeth A. O'Keefe for and during their natural lives," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	Perry	Weismann
Benedict	Foster	Lord	Robertson	Winslow
Bowen	Graham	Lowery	Tiemann	J. Wood
Chatfield	Harrower	McGowan	Wagner	Woodin
Cock	Johnson	O'Brien		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Savannah, Wayne county, New York,' passed April 15, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Robertson	Winslow
Baker	Dickinson	Lewis	Tiemann	D. P. Wood
Benedict	Foster	McGowan	Wagner	J. Wood
Bowen	Graham	Palmer	Weismann	Woodin
Chatfield	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Robertson	Winslow
Baker	Cock	Lewis	Tiemann	D. P. Wood
Benedict	Foster	Lord	Wagner	J. Wood
Bowen	Graham	McGowan	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 750 of the Laws of 1871, entitled 'An act to incorporate the Trustees of the estate belonging to the Diocese of Long Island,' and to authorize said corporation to acquire and hold land for religious, charitable, and benevolent purposes," reported in favor of the passage of the same.

On motion of Mr. Murphy, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Harrower	Murphy	Weismann	Woodin
Chatfield	Lord	Robertson	Winslow	

19

## FOR THE NEGATIVE.

Bowen	Graham	Lewis		
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3



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Graham	McGowan	Wagner	J. Wood
Bowen	Harrower	Madden	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict moved to take from the table the motion to reconsider the vote upon concurring in the amendments of the Assembly to the Assembly bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to concur in the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Robertson	Weismann
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Foster	Madden	Wagner	J. Wood
Chatfield	Harrower	Palmer		

18

FOR THE NEGATIVE.

Bowen	O'Brien
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly bill entitled "An act to provide for the improvement of a portion of Coney Island plank-road as recently widened," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Perry	Weismann
Benedict	Dickinson	Lord	Robertson	D. P. Wood
Bowen	Graham	Lowery	Tiemann	J. Wood
Chatfield	Harrower	McGowan	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to incorporate the Rochester Savings Bank Trust Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Palmer	Wagner	D. P. Wood
Baker	Lord	Perry	Weismann	J. Wood
Benedict	Lowery	Robertson	Winslow	Woodin
Cock	McGowan	Tiemann		
				18

## FOR THE NEGATIVE.

Chatfield	Graham			2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company to the Brooklyn Crosstown Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Wagner	J. Wood
Chatfield	Lewis	O'Brien	Weismann	Woodin
Cock	Lord			
				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin
				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street, and raise money to pay for the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	J. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Johnson moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	McGowan	Robertson
Baker	Dickinson	Lord	Murphy	Tiemann
Benedict	Foster	Lowery	O'Brien	Winslow

15

## FOR THE NEGATIVE.

Bowen	Harrower	Perry	Weismann	J. Wood
Chatfield	Lewis	Wagner	D. P. Wood	Woodin
Graham				

11

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

The Assembly bill entitled "An act to regulate the rate of charges for carrying passengers on the Gloversville and Northville railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baker	Cock	Lewis	Tiemann	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	McGowan	Weismann	Woodin
Chatfield	Graham	Robertson	Winslow	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the act entitled An act to provide for laying out and improving roads and avenues in the village of Saratoga Springs, passed May 5, 1870,' passed April 24, 1872," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Graham	Palmer	Winslow	
Baker	Cock	Harrower	Perry	D. P. Wood	
Benedict	Dickinson	Lowery	Robertson	J. Wood	
Bowen	Foster	McGowan	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Tiemann	D. P. Wood	
Baker	Foster	Lowery	Wagner	J. Wood	
Bowen	Graham	McGowan	Weismann	Woodin	
Chatfield	Harrower	Robertson	Winslow		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Elbridge and Skaneateles junction under the jurisdiction of the commissioners of highways of the town of Elbridge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Perry	Winslow	
Baker	Cock	Lowery	Robertson	D. P. Wood	
Benedict	Foster	McGowan	Tiemann	J. Wood	
Bowen	Graham	Palmer	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	O'Brien	Weismann
Baker	Dickinson	Johnson	Robertson	Winslow
Benedict	Foster	Lewis	Tiemann	J. Wood
Bowen	Graham	Lord	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bowen	Graham	McGowan	Robertson	Winslow
Chatfield	Harrower	Murphy	Tiemann	D. P. Wood
Dickinson	Lewis	Palmer	Wagner	J. Wood
Foster	Lowery	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Murphy	Winslow
Baker	Foster	Lewis	Robertson	D. P. Wood
Benedict	Graham	Lord	Tiemann	J. Wood
Chatfield	Harrower	Lowery	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act amending chapter 637 of the Laws of 1866, entitled 'An act in relation to the college of the city of New York,' passed April 17, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lewis	Tiemann	D. P. Wood
Baker	Dickinson	Lord	Wagner	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin
Bowen	Graham			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	O'Brien	Winslow
Baker	Dickinson	Lord	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Murphy	Weismann	Woodin
Chatfield	Harrower			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions in the county of Monroe,' being chapter 46 of the Laws of 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	O'Brien	Tiemann	D. P. Wood
Benedict	Foster	Palmer	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin

20

Mr. Lord moved to reconsider the vote by which said bill was passed, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The bill entitled "An act to incorporate the Nassau Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the counties of New York and Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Chatfield	Graham	Lord	Murphy	Winslow
Cock	Harrower	Lowery	Robertson	D. P. Wood
Dickinson	Johnson	McGowan	Wagner	J. Wood
Foster	Lewis	Madden	Weismann	Woodin

20

FOR THE NEGATIVE.

Tiemann	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Foster	Lowery	Robertson	Winslow
Bowen	Graham	McGowan	Tiemann	D. P. Wood
Chatfield	Harrower	Madden	Wagner	J. Wood
Cock	Lord	Perry	Weismann	Woodin
Dickinson				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for establishing a turnpike road between the cities of Albany and Schenectady,'" passed March 30, 1802, and authorizing the president, directors, and company of said turnpike road to abandon a part of their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Robertson	Winslow
Baker	Cock	Lewis	Tiemann	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	McGowan	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open Eighth avenue from Tenth street to Greenwood Cemetery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	Robertson	Winslow
Benedict	Foster	Lord	Tiemann	D. P. Wood
Bowen	Graham	Murphy	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island, and the water rights surrounding the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Chatfield	Harrower	Palmer	Wagner	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the unadjusted claims of the soldiers in the war of 1812," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Graham	Madden	Winslow
Baker	Cock	Harrower	Robertson	D. P. Wood
Benedict	Dickinson	Johnson	Tiemann	J. Wood
Bowen	Foster	Lewis	Weismann	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to incorporate the Mechanicville Bridge Company for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	McGowan	Robertson	Winslow
Baker	Graham	Madden	Tiemann	D. P. Wood
Chatfield	Harrower	Palmer	Wagner	J. Wood
Dickinson	Lowery	Perry	Weismann	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct bridges over the Nepperhan river,' passed April 19, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Graham	Madden	Robertson	Winslow
Baker	Johnson	O'Brien	Tiemann	D. P. Wood
Chatfield	Lord	Palmer	Wagner	J. Wood
Dickinson	Lowery	Perry	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. McGowan moved to take from the table the motion to reconsider the vote by which the bill entitled "An act dividing the States into congressional districts," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	Lewis	Madden	Weismann	
Baker	Foster	Lowery	Perry	Winslow	
Bowen	Graham	McGowan	Wagner	D. P. Wood	
Chatfield	Harrower				17

**FOR THE NEGATIVE.**

Cock	Murphy	Palmer	Tiemann	Woodin	
Johnson	O'Brien	Robertson			8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the Otselic Reservoir Company in the counties of Madison and Chenango," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Allen	Foster	Murphy	Robertson	Winslow	
Bowen	Graham	O'Brien	Tiemann	D. P. Wood	
Chatfield	Harrower	Palmer	Wagner	J. Wood	
Cock	Lowery	Perry	Weismann	Woodin	
Dickinson	McGowan				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party in certain cases,' passed May 10, 1867," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Baker	Lewis	Perry	Wagner	D. P. Wood	
Bowen	Lowery	Robertson	Weismann	J. Wood	
Cock	McGowan	Tiemann	Winslow	Woodin	
Harrower	Madden				17

## FOR THE NEGATIVE.

Chatfield O'Brien

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the Lutheran Cemetery at Middle Village, Long Island," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Johnson	Palmer	Winslow
Bowen	Foster	Lord	Perry	D. P. Wood
Chatfield	Graham	Lowery	Robertson	J. Wood
Cock	Harrower	Madden	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the St. Patrick's Temperance and Benevolent Society of Kingsbridgeville, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Foster	McGowan	Robertson	Winslow
Baker	Graham	O'Brien	Tiemann	D. P. Wood
Bowen	Harrower	Palmer	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodin
Dickinson	Lowery			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to open and extend South Eleventh street in the city of Brooklyn from its present termination to Third street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Perry	Winslow
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	Madden	Tiemann	J. Wood
Cock	Lewis	O'Brien	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	Palmer	Winslow
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin
Chatfield	Harrower	O'Brien	Weismann	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act concerning the Syracuse branch of the New York, Utica and Ogdensburgh Railroad Company, and providing for a change in its corporate name," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Madden	Robertson	Winslow
Baker	Foster	O'Brien	Tiemann	D. P. Wood
Benedict	Johnson	Palmer	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodin
Cock	McGowan			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of Thomas O'Brien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Palmer	Winslow
Baker	Dickinson	McGowan	Robertson	D. P. Wood
Benedict	Foster	Madden	Wagner	J. Wood
Chatfield	Harrower	O'Brien	Weismann	Woodin
				20

## FOR THE NEGATIVE.

Murphy	Perry			2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland Cemetery, in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Tiemann	D. P. Wood
Baker	Dickinson	Lord	Wagner	J. Wood
Benedict	Graham	Perry	Weismann	Woodin
Bowen	Harrower	Robertson	Winslow	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Tiemann moved to take from the table the resolution in the words as follows:

*“Whereas*, The hundred days for which members of the Legislature are entitled by the Constitution to receive compensation for their services will expire on Wednesday, the 10th day of April instant, and it is expected that the Legislature will adjourn at an early day thereafter; and whereas, no act making provision for the government of the city of New York has yet been passed; and whereas, serious doubts are entertained whether the differences existing between the two Houses of the Legislature on the bill now pending can be reconciled; and whereas, it is feared that the bill will be lost by the disagreement between the two Houses, or, if they should agree and pass the bill, that it will not be approved and signed by the Governor, and that the Legislature may adjourn without enacting a charter for the city of New York; and whereas, it is of the utmost importance that some legislation should be had at this session of the Legislature for the purpose of improving the existing government of the city of New York; therefore,

*“Resolved*, That the committee on the affairs of cities be, and is hereby instructed to examine the charter passed April 26, 1870, and the amendments thereto passed April 18, 1871, and propose such amendments thereto as will relieve it of the obnoxious features and provisions it now contains; provide for an early election of the mayor and other officers to be elected by the people, and such other amendments as the exigencies of the times and the public sentiment of the city of New York seem to demand, and report such amendments by bill on or before the 13th day of April next.”

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Tiemann, said resolution was referred to the committee on the affairs of cities.

On motion of Mr. Robertson, and by unanimous consent, the bill entitled “An act to incorporate the city of Yonkers,” was recommitted to the committee on the affairs of cities, with power to report complete.

In relation to the death of the Hon. Mr. Hardenbergh, Mr. Murphy said:

Mr. President—The sad event, which we have been led for weeks past to expect, has at length taken place; and Senator Jacob Hardenbergh is no more. He died at his lodgings in this city yesterday afternoon between the hours of four and five o’clock. And we are called upon, in the midst of our deliberations and the closing hours of a protracted session, to pause over the event, and reflect upon our common mortality. The State lives, with all its varied interests, but we individuals, who are brought upon its stage to perform a part, fret and fume our brief hour, and pass behind the shifting scenes to disappear forever. It is well, sir, that we should be called to recollect that the things of the present are less important than the future to us all. Jacob Hardenbergh was a descendant of the band of sturdy men who left the fatherland and tempted the perils of the ocean in frail barks to explore our great river and to plant its wilderness. He was born on the very spot where the first of them settled, and where there was nothing but wild beasts and almost equally wild Indians to be found. There his ancestors lived; there he has lived



during his life-time—too short—and there will his remains be carried to lie beside his fathers.

Mr. Hardenbergh, as we all know, was educated for the profession of the law. In that he acquired great eminence; none superior to him at the bar at which he practiced. It was late in years, comparatively, when he came into public life. His first entrance upon the public stage was as a member of the constitutional convention of 1867–8. Subsequently he was elected to the Senate, and was again re-elected to the present Senate. It was my good fortune to have served with him during the whole of his official life. I can speak of him in that regard perhaps as well as any other man. No one was more assiduous in the performance of duty, none more zealous, none more capable. He had a vigorous intellect. He grasped a subject in all its details, and based all his decisions upon principle. Indeed, sir, Jacob Hardenbergh was a characteristic of the ancestry from which he was descended. He was honest and upright in purpose, patient and persevering in investigation, and bold and fearless in the performance of duty. But there was more in Jacob Hardenbergh than what we saw here. I have met him in the private circle; I have seen him in the most intimate relations of life. He had a generous nature and a kind heart; he had all the attributes which make a good man. He could relax himself from severe public duties, and enter into the enjoyments of the hour. And he could, when occasion required, amuse his friends by recitations from the best of the poets. I have listened to him with admiration. But, Mr. President, I must forbear these recollections; for they bring tears to the eye and faltering to the tongue. I offer the following resolutions:

*Resolved*, That we have heard with feelings of profound sorrow of the death of Hon. Jacob Hardenbergh, Senator from the Fourteenth district. Uniting in himself intellectual powers of the first order and much experience in public affairs, with a kind and generous nature, he was invaluable as a legislator and endearing as an associate.

*Resolved*, That we offer our sincere condolence in this her hour of greatest trial to his bereaved widow, hoping she may find in the sympathy of her friends and a firm trust in God that consolation which may sustain her in her affliction.

*Resolved*, That, as a tribute of respect to the memory of the deceased, the members of the Senate will bear the usual badge of mourning for thirty days.

*Resolved*, That a copy of these resolutions be transmitted to Mrs. Hardenbergh.

Mr. Lewis said:

I was pained this morning, on my return from home, to learn of the death of Senator Hardenbergh. When I left last week, I was informed that there were faint hopes of his recovery. I met the distinguished Senator for the first time in the session of 1870. It was my good fortune to be associated with him upon the standing committee on canals, of which he was chairman; and I learned not only to love him, but to admire his many manly and sterling qualities. He had an assiduity in affairs characteristic of the thorough business man. He attended to his duties with a care that I never saw surpassed in any public officer. During the two winters he was chairman of that committee, he spent very much of his time in investigating the various questions which arose connected with the canal interests of this State. Although suffering as he had been for many years with a disease which almost prostrated him,

and would have disqualified a less resolute man from any labor, yet he spent hour after hour some days, and many days, in investigating the files in the Auditor's office; and even went into the dark and damp cellars of that building to examine the papers that had long been filed away relating to the canals of this State, so as to be prepared for any question which might arise connected with the committee of which he was chairman. He was uniformly and determinedly opposed to everything in the shape of a job. He seemed to know intuitively when a question came before that committee if it ought not to pass. He seemed to know intuitively if it had objectionable features in it. During the whole of his career as chairman of that committee, I do not recollect an instance where he did not set his face against any claim that was presented that he had reason to suppose ought not to pass. We all knew him here upon the floor; and we all learned to admire his wonderful ability and oratory. I never listened to a man who had the power of presenting a case; who had the power of stating the facts connected with any proposition with the clearness and with the ability that Jacob Hardenbergh possessed. I knew him, not perhaps as the Senator from the Third did in the private relations of life, but I have met him when he had laid aside the cares of the State and discussed the questions of the day. I learned to love him for his simplicity. He was naturally a religious man; he had a veneration for the Deity I have rarely seen equaled; I have been much interested in his quaint views of religious questions. He was, as we all know, one of the ablest lawyers in our State. As an advocate before a jury, he was almost irresistible. He was a man of simple habits; a man that we all liked—those of us who knew him. He has passed away, Mr. President, and it admonishes us of our mortality. We shall rarely meet his equal.

Mr. Madden said:

I would say one word in relation to our departed associate. I have been personally acquainted with him for twenty years. I have known him long and well. A nobler man never breathed the breath of life. We were warm personal friends; and it was with great pleasure that I heard of his re-election to the Senate, for we were to be associated together for two sessions. But we have unfortunately been disappointed. He was, perhaps, among the half dozen men whom I have known who had a clear perception and logical mind to go down deep into fundamental principles, and who have rarely erred in judgment. He was also a kind-hearted man, who drew his friends to him with hooks of steel; whose intentions were always to do right, and who had the judgment to carry out that will and intention. His spirit has passed to a sphere above, and I have no doubt to a better sphere. He was an honorable, a good, and a just man.

Mr. Bowen said:

Mr. President—I rise to add my contribution to the expressions of respect to the memory of the deceased offered by my brother Senators. It has been well said that, in the closing hours of the session, amid its bustle and confusion, we are called upon to pause and commune, for a brief time, with death. One of our number has gone the way of all the world.

To those of us who served in the last Senate it is doubly sad, when we reflect that of those who came here but little more than two years ago as members of the Senate four have been stricken down in death. Though

their graves are scattered in distant parts of the State, we who knew them, served with them in this body, and learned to love and respect them, will cherish their remains to the latest day of our lives.

Before I met Senator Hardenbergh, a friend of mine who had served with him in the last constitutional convention, had asked me to make his acquaintance, and told me that I would find him an able legislator and safe counselor.

I remember that when the Senate was organized he was detained at home, and a short time afterwards appeared and alone walked up and took the solemn oath of office. I very soon sought and made his acquaintance, and from that time to the day he last occupied his seat here I never had cause to regret it. I believe he was my friend, as I know I was his. During our deliberations here, and particularly in the winter of 1870, I often came in contact with him in relation to a measure affecting a portion of my district, and which, he thought, was an innovation of the settled policy of the State in regard to its canals, I found him an open, honest, and straightforward opponent, who never sought to take an unfair advantage. He always notified me in advance, when about to make a report or motion adverse to me.

I have often watched him here, and noticed the extreme agony he suffered from the disease which afflicted him, and wondered that his mind could be so clear and unclouded. Nothing but his indomitable will and great desire to be useful to the State in his high office could have sustained him.

But, Mr. President, he has gone from us, and the place which knew him here will know him no more forever. As time wears on, others will fill his place and ours, and it will be well for the State if they will emulate his virtues and can possess his abilities.

Mr. Cock said:

Mr. President—Although one of the youngest members of this body, yet I cannot permit this occasion to pass without giving some formal expression to the deep sense of bereavement which this State has experienced in the death of our late associate. I do not propose to add anything to the wealth of deserved eulogy that has been so feelingly bestowed. I rise simply to pay my tribute of respect and appreciation to the memory of the distinguished departed, and to acknowledge his fidelity to his convictions of public duty, at all times and under all circumstances. I feel, sir, that ours is an irreparable loss. The clear and comprehensive intellect, the strong and marked logical powers that characterized the departed statesman, and his intimate acquaintance with public affairs, conveyed the idea, and very truly, to the observer, that Senator Hardenbergh was no ordinary man. Notwithstanding the severe and intense physical difficulties under which he labored, his intellect remained clear and unclouded amid them all. Sir, the constituents who honored him, he, in turn, delighted to honor; the State that reared him was the object of his affections, and those that knew him best as a legislator must all unite in a tribute to the patriotism, to the integrity, and to the honesty of the representative. And, sir, while we mourn his loss, may we appreciate the lesson of the hour, and gather wisdom from the bereavement which has been imposed by the dispensation of divine Providence.

The resolutions were unanimously adopted.

Mr. D. P. Wood offered the following:

*Resolved*, That the Senate attend the funeral services to be performed at three o'clock this afternoon at Congress Hall, and in a body accom-

pany the remains of the deceased to the cars; and that a committee, consisting of the Lieutenant-Governor, Senators Lord, Murphy, Madden, and Graham be appointed to attend the funeral at Kingston.

*Resolved,* That the Senate do now adjourn till this evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to improve and regulate the use of the Fourth avenue in the city of New York."

After some time spent therein the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The Assembly returned the bill entitled "An act to provide for the endowment of the Unadilla Academy," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to make provision for the local government of the city of New York,' passed April 19, 1871, and to make further provision therefor for the year 1872."

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Palmer gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to reorganize the local government of the city of New York," passed April 5, 1870, and the several acts amendatory thereof."

By unanimous consent, Mr. D. P. Wood asked and obtained leave to introduce a bill entitled "An act to amend section 1 of chapter 124 of the Laws of 1872, and to authorize the Syracuse Northern Railroad Company to continue its road to the New York Central and Hudson River railroad, and to the Syracuse and Chenango Valley railroad," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

### FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	Winslow
Chatfield	Harrower	Madden	Tiemann	D. P. Wood
Cock	Lewis	O'Brien	Wagner	J. Wood
Dickinson	Lord	Palmer		

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the payment of certain claims for work done and services rendered the government of the city of New York," reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act to provide for the payment of the salaries of the employes of the department of buildings in the city of New York," and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the New York Deposit and Loan Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was referred the Assembly bill entitled "An act to authorize the sale of the State armory at Ballston Spa," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Chatfield, the Senate adjourned.

### WEDNESDAY, MAY 1, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May* 1, 1872. }

*To the Senate:*

I return, without approval, Senate bill No. 268, entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

The bill proceeds upon the assumption that Assembly bill No. 118, entitled "An act to reorganize the local government of the city of New York," would become a law; and confers all the powers relating to the machinery of elections in the city of New York upon the board of safety, which was, under that bill, to be organized.

That bill having failed to become a law, the Legislature will, of course, have no desire that this one shall go upon the statute book, as it will serve no purpose.

The election law of 1870, applying specially to the city of New York, is still in force. It is very stringent in its provisions. It was passed with general assent, having received a nearly unanimous vote of the Legislature; and it is universally admitted that the two elections held under it in 1870 and 1871 were eminently fair.

JOHN T. HOFFMAN.

*Ordered*, That said message be laid upon the table.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to make provision for the improvement of the several parks, squares, and places in the city of New York."

"An act to amend the Revised Statutes in relation to laying out public roads, and the alteration thereof, in the county of Dutchess."

"An act to amend section 1 of chapter 124 of the Laws of 1872, and to authorize the Syracuse Northern Railroad Company to continue its road to the New York Central and Hudson River railroad, and to the Syracuse and Chenango Valley railroad."

Mr. Woodin, from the select committee of nine, reported complete the following entitled bills:

Assembly, "An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849."

Assembly, "An act to provide for the rebuilding of the bridge over the Oneida river between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy. [With amendments.]

Assembly, "An act to amend chapter 328 of the Laws of 1859, entitled 'An act to define the powers and duties of the superintendents of the poor in the county of Monroe.'"

Assembly, "An act to incorporate the Genesee Valley Water-works Company."

Assembly, "An act to abolish the office of the trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors."

"An act to provide an assistant clerk for the court of general sessions of the peace in and for the city and county of New York."

"An act to change the name of the Board of Foreign Missions of the Reformed Protestant Dutch Church to Board of Foreign Missions of the Reformed Church in America."

"An act for the suppression of the trade in, and circulation of, obscene literature, illustrations, advertisements, and articles of indecent or immoral use; and obscene advertisements of patent medicines and articles for producing abortion, and to amend and revise chapter 430 of the Laws of 1868."

"An act relative to purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment, or decree."

Assembly, "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture."

"An act for the relief of J. Rowe Fanning."

Assembly, "An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company in the city of Brooklyn,' passed April 11, 1864."

"An act in relation to the powers and duties of the board of supervisors of the county of Monroe."

Assembly, "An act to incorporate the New York Deposit and Loan Company."

Assembly, "An act to enable Timothy Baldwin, Jr., to take and hold real estate, and to release to him the interest and title in lands escheated to the State."

"An act to amend chapter 345 of the Laws of 1868, entitled 'An act to amend section 6 of an act entitled An act for the publication of the



Session Laws in two newspapers in each county of this State,' passed May 14, 1845, passed April 27, 1868."

Assembly, "An act for the relief of the Rochester and State Line Railway Company."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the New York and South American Contract Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to establish and maintain a police force in and for the county of Richmond," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the oath of Henderson Harger, collector of taxes of the town of Carrollton, in the county of Cattaraugus, to his return for the non-payment of non-resident taxes of the year 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm the acts of Hezekiah W. Whitney, administrator, with the will annexed of the estate of Melvin S. Whitney, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act regulating the payment of highway taxes by railroad corporations, and to increase the powers and duties of commissioners of highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relating to certain non-resident highway taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to Union Free School District No. 1 in the town of Milton, and to enlarge its boundaries and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act relative to school moneys in the city of Rome," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the bill entitled "An act to amend an act entitled 'An act to allow the Mutual Protection Life Assurance Society to increase its capital,' passed April 29, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the

Fresco Painters' Benevolent and Protective Union of the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the Board of Trustees of the General Convention of Universalists in the United States of America," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the second day of July, 1862, also to restrict the operation of chapter 511 of the Laws of 1863,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act in relation to academies and union schools and distribution of public funds," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to amend and make additions to an act entitled An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereto as amended, passed April 15, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the city of Yonkers," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act relative to care and education of deaf-mutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the bill entitled "An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed April 12, 1855, as amended by An act to amend an act entitled An act to amend and consolidate the several acts

relative to the village of Ballston Spa,' passed May 9, 1868, and for the purpose of securing an additional supply of water for the use of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *April 30, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act in relation to challenges of jurors in criminal cases."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Judd, and by unanimous consent, the same was amended as follows:

At the end of section 1, add the following words: "And provided the court shall be satisfied that the person so proposed as a juror does not entertain such a present opinion as would influence his verdict as a juror."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Lowery	Palmer	D. P. Wood
Baker	Dickinson	McGowan	Perry	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Graham			

23

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Robertson	Winslow
Benedict	Dickinson	Lowery	Tiemann	D. P. Wood
Bowen	Foster	McGowan	Wagner	J. Wood
Chatfield	Graham	Perry	Weismann	

19

FOR THE NEGATIVE.

Allen	Lewis	O'Brien	
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3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein; and to amend the charter of said city,' passed April 16, 1870," with a message that they had non-concurred in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed as such committee, on the part of the Assembly, Messrs. Fort, Sage, Greene, Buckley, and Wiley.

Mr. Foster moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Foster, McGowan, and Tiemann.

The Assembly returned the Assembly bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," with a message that they had non-concurred in the amendments of the Senate thereto, request a committee of conference thereon, and have appointed as such committee, on the part of the Assembly, Messrs. Fort, Sage, Greene, Buckley, and Wiley.

Mr. Foster moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Foster, McGowan, and Tiemann.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the Brooklyn City and Newtown Railroad Company,' passed April 2, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act relating to Queens County Railway Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tiemann moved that the bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation, and management thereof," be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie, in aid of the construction of the Poughkeepsie and Eastern railroad, and to invest the same or the avails thereof in the first mortgage bonds of the said railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	D. P. Wood
Benedict	Harrower	Madden	Tiemann	J. Wood
Chatfield	Lewis	O'Brien	Wagner	Woodin
Cock	Lord	Palmer		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river below the Second avenue,' passed April 4, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Palmer	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin
Cock	Lewis			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend the Revised Statutes in relation to laying out public roads, and the alteration thereof, in the county of Dutchess," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	O'Brien	Tiemann	J. Wood
Chatfield	Harrower	Palmer	Wagner	Woodin
Cock	Lewis			

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act empowering the Buffalo Street Railroad Company to make certain advances to and contracts with the Buffalo East Side Street Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Wagner
Baker	Foster	Lowery	Perry	Weismann
Benedict	Graham	McGowan	Robertson	Winslow
Chatfield	Harrower	O'Brien	Tiemann	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend, extend, and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Perry	Weismann
Baker	Foster	Lowery	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	J. Wood
Chatfield	Harrower	Palmer	Wagner	Woodin
Cock	Lewis			

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow
Baker	Harrower	McGowan	Robertson	D. P. Wood
Benedict	Lewis	O'Brien	Tiemann	J. Wood
Chatfield	Lord	Palmer	Wagner	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the Lake Champlain and Moriah Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Benedict	Graham	Lowery	Robertson	D. P. Wood
Bowen	Harrower	O'Brien	Tiemann	J. Wood
Cock	Lewis	Palmer	Wagner	Woodin

20



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the formation of a separate road district in the town of Jay, county of Essex," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Lowery	Robertson	D. P. Wood
Benedict	Dickinson	McGowan	Tiemann	J. Wood
Bowen	Foster	Palmer	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to make provision for the improvement of the several parks, squares, and places in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Weismann
Baker	Dickinson	Lewis	Perry	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Chatfield	Graham	McGowan	Wagner	Woodin 20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act declaring Cold brook, in the county of Clinton, and Alder brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Winslow
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Wagner	J. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the publication of notices and citations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Madden	D. P. Wood
Allen	Cock	Lewis	Robertson	J. Wood
Baker	Dickinson	Lowery	Wagner	Woodin
Bowen	Foster	McGowan	Winslow	19

## FOR THE NEGATIVE.

Benedict	Tiemann	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 583 of the Laws of 1871, entitled 'An act to make provision for the local government of the city and county of New York,' passed April 9, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Harrower	Madden	Wagner	Woodin
Chatfield	Lewis	Palmer	Weismann	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to improve and regulate the use of the Fourth avenue in the city of New York," having been announced for a third reading,

Mr. Adams moved that said bill be recommitted to the committee on railroads, with instructions to amend the same as follows:

In section 7, lines 3 and 4, strike out the words "mayor, aldermen, and commonalty of the city of New York," and insert in lieu thereof the words "property owners along the line of said avenue benefited thereby."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Benedict	Lowery	Weismann	D. P. Wood
Allen	Lewis	Tiemann		8

## FOR THE NEGATIVE.

Baker	Dickinson	Harrower	Murphy	Wagner
Bowen	Foster	McGowan	Palmer	J. Wood
Chatfield	Graham	Madden	Robertson	Woodin
				15

Mr. Tiemann moved to recommit said bill to the committee on railroads, with instructions to amend as follows:

Amend section 7 so as to read as follows: "One-half the expense and cost of said improvement shall be borne by the Hudson River and Harlem Railroad Companies, one-quarter of such expense by the mayor, aldermen, and commonalty of the city of New York, and one-quarter by the property owners along the line of said improvement."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Benedict	Tiemann	2
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FOR THE NEGATIVE.

Adams	Dickinson	Lowery	O'Brien	Weismann
Baker	Foster	McGowan	Palmer	D. P. Wood
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield	Harrower	Murphy	Wagner	Woodin
Cock	Lewis			23

• Mr. Benedict moved to recommit said bill to the committee on railroads, with instructions to amend as follows :

Add, at the end of section 1, the following words : "The said New York and Harlem Railroad Company shall be liable for any damage or injury caused by making the changes in this act, authorized or directed or by operating said road under said changes ; nor shall they be authorized to take private property for the purposes of said road without just compensation."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Adams	Madden	Tiemann	Weismann	D. P. Wood	6
Dickinson					

FOR THE NEGATIVE.

Baker	Cock	Lewis	Palmer	Winslow
Bowen	Graham	Murphy	Robertson	J. Wood
Chatfield	Harrower	O'Brien	Wagner	Woodin
				15

Mr. Benedict moved to recommit said bill to the committee on railroads, with instructions to amend as follows :

In section 7, line 6, printed bill, strike out the words "superintending engineer," and insert in lieu thereof the words "board of engineers."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Tiemann	Weismann	3
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FOR THE NEGATIVE.

Adams	Dickinson	Madden	Wagner	J. Wood
Baker	Graham	Murphy	D. P. Wood	Woodin
Chatfield	Harrower	Robertson		13

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Baker	Dickinson	Lord	Palmer	Weismann
Bowen	Foster	Madden	Robertson	J. Wood
Chatfield	Graham	Murphy	Wagner	Woodin
Cock	Harrower	O'Brien		18

FOR THE NEGATIVE.

Adams	Lowery	Perry	Tiemann	D. P. Wood	7
Allen	McGowan				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Benedict moved to take from the table the bill entitled "An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Benedict, and by unanimous consent, said bill was amended as follows :

In section 3, line 4, printed bill, insert, after the word "organization," the words "not exceeding five hundred thousand dollars."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	O'Brien	Tiemann	D. P. Wood
Allen	Cock	Palmer	Wagner	J. Wood
Baker	Lord	Perry	Weismann	Woodin
Benedict	Lowery	Robertson		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in certain land to John Leitz," reported in favor of the passage of the same.

On motion of Mr. Murphy, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Palmer	Winslow
Allen	Dickinson	McGowan	Perry	D. P. Wood
Baker	Foster	Madden	Robertson	J. Wood
Benedict	Harrower	Murphy	Tiemann	Woodin
Bowen	Lord	O'Brien	Weismann	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Palmer, the executive session was postponed until one o'clock, P. M.

On motion of Mr. Allen, and by unanimous consent, the committee of the whole was discharged from further consideration of Assembly bill entitled "An act to confirm the oath of Henderson Harger, collector of taxes of the town of Carrollton, in the county of Cattaraugus, to his return for the non-payment of non-resident taxes of the year 1871."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Murphy	Tiemann	J. Wood
Chatfield	Lewis	O'Brien	Wagner	Woodin 25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate a seminary of education under the name of the Tracey Female Institute,' passed April 17, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was referred the Assembly bill entitled "An act to establish a rifle range, and to promote skill in marksmanship among the National Guard," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, and macadamize or pave Railroad avenue in said village, passed April 19, 1871,' and for the protection of the pavement on the said street or avenue," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to the district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of one o'clock having arrived, the President resumed the chair and announced executive session.

Mr. Chatfield moved that the executive session be postponed until one o'clock and forty-five minutes, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the President again resumed the chair, and the Senate went into executive session.

After some time spent therein, the doors were opened, and legislative business resumed.

Mr. Perry offered the following :

*Resolved* (if the Assembly concur), That a respectful message be transmitted to the Governor requesting the return, for amendment, of Senate bill No. 423, entitled "An act to regulate elections in the city of Brooklyn."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Murphy moved that the Assembly bill entitled "An act to amend the several acts in relation to the State prisons," be recommitted to the committee on State prisons, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Winslow, from the committee on finance, to which was referred the Assembly bill entitled "An act for the improvement of the main, middle, and north branches of Grass river," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer moved that when the Senate adjourn to-day it adjourn to meet at half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Allen, the Senate took a recess until half-past seven o'clock, P. M.

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### SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of general orders pending at the hour of adjournment, being the bills entitled as follows:

"An act to authorize John T. Mills and his associates to use cars in lieu of stages over the route of the Bull's Head stage line in the city of New York, and to lay down rails and use cars thereon in certain streets in connection therewith."

Assembly, "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York."

"An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871."

After some time spent therein, the President resumed the chair, and Mr. McGowan, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. McGowan, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. McGowan, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Dickinson moved that the Assembly bill entitled "An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein," be considered in the first committee of the whole.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the Assembly bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Adams moved that the Assembly bill entitled "An act to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river, by authorizing the city of Albany to issue its bonds, and the Delaware and Hudson Canal Company to guarantee the same, for the purpose of aiding in such construction," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The committee of conference to whom was referred the Assembly bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," upon matters of difference between the Senate and Assembly, unite in recommending the following amendments, viz.:

Strike out from engrossed bill, section 4, and insert in lieu thereof the following:

§ 4. This act shall not take effect until it shall have been submitted to the tax-payers of the city of Oswego qualified to vote at a special election, as provided by the charter of said city. Such election shall be held on the first Tuesday in June, 1872, and the common council of said city shall designate the place for holding such election, and notice thereof shall be published by the clerk of said city in all the daily newspapers published in said city at least ten days previous to such election. The inspectors of election chosen at the last charter election in the ward where said election is appointed to be held by the common council shall preside at such election, and provide a box in which each elector qualified to vote as aforesaid, may deposit a ballot on which shall be written or printed the words "for bonding the city," or the words "against bonding the city." Those ballots on which shall be written or printed the words "for bonding the city" shall be deemed to approve said act, and those upon which shall be written or printed the words "against bonding the city" shall be deemed as not approving the act. The said box shall be kept open for the reception of votes from eight o'clock in the morning until five o'clock in the afternoon on the day of election, and the inspectors of election presiding as aforesaid shall canvass the votes deposited in said box in the same manner as is now required by law in the election of charter officers by ballot, and within two days after such canvass shall certify and return to the clerk of the common council of said city the number of votes taken, designating how many were "for bonding the city," and how many were "against bonding the city." The mayor and clerk of the common council of said city shall thereupon immediately proceed to canvass the votes thus certified and returned, and shall make and file in the office of the clerk of the common council their certificate that the said act is approved or not, as the case may be, by the votes of

a majority of the tax-payers of said city voting at such election. Said act shall be published in the daily papers in the city of Oswego for five days previous to said election.

WM. FOSTER,  
A. C. MCGOWAN,  
D. F. TIEMANN,  
*Senate Committee.*

DAN'L G. FORT,  
THO'S W. GREEN,  
C. S. SAGE,  
FRANK BUCKLEY,  
J. M. WILEY,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Foster	Lowery	Wagner	Woodin
Bowen	Graham	McGowan		

28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The committee of conference to whom was referred Assembly bill No. 575, entitled "An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein ; and to amend the charter of said city,' passed April 16, 1870," upon matters of difference between the Senate and Assembly, unite in recommending the following amendments, viz. :

Strike out section nine from engrossed bill, and insert in lieu thereof the following :

§ 9. The preceding sections, three and eight, shall not take effect until they shall have been submitted to the tax-payers of the city of Oswego, qualified to vote at a special election as provided by the charter of said city. Such election shall be held on the first Tuesday in June, 1872, and the common council of said city shall designate the place for holding such election, and notice thereof shall be published by the city clerk in all the daily newspapers published in said city at least ten days previous to such election. The inspectors of election chosen at the last charter election in the ward where said election is appointed to be held by the common council shall preside at such election, and provide a box in which each elector qualified to vote as aforesaid may deposit a ballot, on which shall be written or printed the words "for increasing pay of police," or the words "against increasing pay of police." Those ballots on which shall be written or printed the words "for increasing pay of police," shall be deemed to approve said sections, and those ballots upon which shall be written or printed the words "against increasing pay of police," shall be deemed as not approving said sections. The said box shall be kept open for the reception of votes from eight o'clock in the morning until five o'clock in the afternoon on the day of election, and the inspectors of election presiding as aforesaid shall canvass the votes deposited in said box in the same manner as is now required by law in the election of charter officers by ballot, and within two days after such canvass shall certify and return to the clerk of the common council of said

city the number of votes taken designating how many were "for increasing pay of police," and how many were "against increasing pay of police." The mayor and clerk of the common council of said city shall thereupon immediately proceed to canvass the votes thus certified and returned, and shall make and file in the office of the clerk of the common council their certificate that the said sections are approved or not, as the case may be, by the votes of a majority of the tax-payers of said city voting at such election. Said sections shall be published in the daily papers in the city of Oswego for five days previous to said election.

WM. FOSTER,  
A. C. MCGOWAN,  
D. F. TIEMANN,  
*Senate Committee.*

DAN'L G. FORT,  
THO'S W. GREEN,  
C. S. SAGE,  
FRANK BUCKLEY,  
J. M. WILEY,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Weismann
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lord	Robertson	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	McGowan	Wagner	Woodin

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The Assembly sent for concurrence the bill entitled as follows:

"An act to establish a rifle range, and to promote skill in marksmanship among the National Guards," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide for the endowment of the Unadilla Academy."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the report of the conference committee thereon:

"An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.'"

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings."

"An act to reappropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867."

"An act to incorporate the St. Lawrence Bridge Company."

"An act to amend section 1 of chapter 124 of the Laws of 1872, and to authorize the Syracuse Northern Railroad Company to continue its road to the New York Central and Hudson River railroad, and to the Syracuse and Cheungo Valley railroad."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the concurrent resolution "that the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the court of appeals," with a message that they had concurred in the passage of the same.

On motion of Mr. Lord, and by unanimous consent, the rules were suspended, and the Assembly bill entitled "An act for the relief of the Rochester and State Line Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Dickinson	Lord	Robertson	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham	McGowan	Wagner	Woodin
Bowen	Harrower	Palmer		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846."

"An act to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river, by authorizing the city of Albany to issue its bonds, and the Delaware and Hudson Canal Company to guarantee the same, for the purpose of aiding in such construction."

"An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein."

After some time spent therein, the President resumed the chair, and Mr. D. P. Wood, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. D. P. Wood, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Bowen moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," with a message that they had passed the same, with the following amendments:

Insert, as section 8, the following:

"§ 8. Section 59 of said act is hereby amended so as to read as follows:

"Section 59. The assessors elected in the said city of Auburn, as herein provided, shall perform all the duties and possess all the powers conferred upon assessors in the different towns of this State, and be subject to like obligations, and shall perform all the duties specified in this act, in reference to the assessment of property within the city, for the purpose of levying the taxes imposed by the common council, as well as by the supervisors of the county of Cayuga. On completing the assessment (which shall be done on or before the first day of August in each year) they shall meet together and leave the assessment rolls of the several wards with the city clerk. They shall then give notice, by posting three handbills, in three several public places in each of the wards, and publishing a notice in one of the daily newspapers published in said city, that the assessment rolls are completed and left in the city clerk's office, where they may be seen and examined by any person for the next three weeks, during which time the said notice shall be published at least three times in each week, and that the assessors will attend, during the time specified in such notice, at the city clerk's office at least two days in each week, to be specified in said notice, to review their assessment in the same manner as assessors of towns. At the expiration of the three weeks they shall cease to correct and review said assessment rolls, and shall, within six days thereafter, make a duplicate of each of said assessment rolls as corrected and revised, and have the assessment rolls and the duplicates completed and subscribed, and delivered to the city clerk, to be by him filed, and the duplicates of the rolls of each respective ward shall be delivered by the city clerk to the supervisor of such ward, to be by such supervisor delivered to the board of supervisors of the county of Cayuga. During the time the assessors are correcting and reviewing any tax or assessment, they shall have power to add to, or insert in, said tax or assessment roll any property liable to taxation, and the assessment thereof, which may have been omitted therefrom, upon giving written notice to the owner or agent of such property. Such written notice may be served personally on any owner or agent, or by leaving the same at the residence or place of business of such owner or agent, when either has a residence or place of business in the city, or by serving such notice on the occupant (when the property is real estate and is occupied) personally or by leaving it at the house on the premises, and when the owner is a non-resident, and has no agent in the city, and the property is personal property or real estate unoccupied, the notice may be served by mail, addressed to such owner or agent according to the best information which the assessor can obtain. After the assessment rolls shall have been completed, in each year hereafter, and filed in the office of the city clerk, as herein provided, it shall be the duty of the common council to proceed to levy the taxes for all the purposes provided in this act, ratably upon or among the owners of the estate, real and personal, incorporated companies, banks and banking associations,



as appear on said assessment rolls. It shall be the duty of the assessors of said city to make assessments for local improvements, under the provisions of this act, when thereunto required by the common council, and to make and file an assessment roll, for such assessments, as provided in this act. Each assessor shall receive for his compensation four dollars per day for his services under this act, except as otherwise hereinafter provided."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Graham	Palmer	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Madden offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return of Senate bill No. 381, being an act entitled "An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act in relation to the college of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act amendatory of an act entitled 'An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants,' passed February 10, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Winslow offered the following:

*Resolved*, That the Auditor of the Canal Department be, and he is hereby requested to furnish to the Senate, within three days after the passage of this resolution, a copy of each and every bill for services rendered in the matter of the Black river water claims, as presented by each of the parties named in Senate document No. 78, and audited by the Canal Board; and also a copy of each and every bill for services rendered as presented, and not audited by said Board.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Winslow moved that the Assembly bill entitled "An act to enable the legal voters of any town, county or city, to determine by ballot



whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein, of intoxicating liquors shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Palmer, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act extending the jurisdiction of the park commissioners of the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the Palette of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the improvement of Pleasant street in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish a board of police and fire commissioners of the city of Utica," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Cock moved that the Assembly bill entitled "An act to establish and maintain a police force in and for the county of Richmond," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Allen moved that the President appoint an additional member of the committee on privileges and elections in place of Senator Hardenbergh, deceased.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed as such member Mr. Cock.

On motion of Mr. Bowen, the Senate adjourned.

## THURSDAY, MAY 2, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Van Slyke.

The journal of yesterday was read and approved.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to plank-roads," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act in relation to the College of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 19 of the Laws of 1821 to perpetuate certain testimony respecting the title of the Poultney estate in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees under the last will and testament of Charles H. Carroll, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements, and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for producing abortion, and to amend and revise chapter 430 of the Laws of 1868."

"An act to change the name of the Board of Foreign Missions of the Reformed Protestant Dutch Church to Board of Foreign Missions of the Reformed Church in America."

"An act to amend chapter 345 of the Laws of 1868, entitled 'An act to amend section 6 of an act entitled An act for the publication of the Session Laws in two newspapers in each county of this State,' passed May 14, 1845, passed April 27, 1868."

"An act to provide an assistant clerk for the court of general sessions of the peace in and for the city and county of New York."

"An act relative to purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment or decree."

"An act for the relief of J. Rowe Fanning."

"An act in relation to the powers and duties of the board of supervisors of the county of Monroe."

Mr. Bowen, from the select committee of nine, reported the following entitled bills complete :

Assembly, "An act to establish a board of police and fire commissioners of the city of Utica."

Assembly, "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the Village of Ballston Spa,' passed April 12, 1855, as amended by 'An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed May 9, 1868, and for the purpose of securing an additional supply of water for the use of said village.'"

Assembly, "An act in relation to the capital stock of corporations."

Assembly, "An act to amend the act entitled 'An act to amend and make additions to an act entitled 'An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereto as amended April 15, 1870.'"

"An act to amend 'An act to provide for the incorporation of religious societies,' passed April 5, 1813."

Assembly, "An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk valley, and the preparation of the natural products of the soil for market."

Assembly, "An act in regard to Union Free School District No. 1 in the town of Milton, and to enlarge its boundaries, and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses."

Assembly, "An act in relation to the Board of Trustees of the General Convention of Universalists in the United States of America."

Assembly, "An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church."

Assembly, "An act to amend the act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof."

Assembly, "An act to extend the time of beginning the construction of the Newburgh and Midland railway, and expending ten per cent of the amount of its capital stock thereon."

Assembly, "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, and macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue."

"An act in relation to academies and union schools and the distribution of public funds."

Assembly, "An act to authorize the sale of the State armory at Ballston Spa."

Assembly, "An act to amend chapter 366 of the Laws of 1870, entitled 'An act in regard to public libraries incorporated in the State of New York.'"

"An act to amend an act for the laying out, opening, and closing of streets, roads, and avenues in the town of Morrisania,' passed May 19, 1868."

"An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglas, and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868."

Assembly, "An act relating to the Queens County Railway Company."

**"An act to provide for the erection of a town house in the town of Meredith, county of Delaware."**

Assembly, **"An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue."**

Assembly, **"An act to incorporate the Palette of the city of New York."**

Assembly, **"An act relative to school moneys in the city of Rome."**

Assembly, **"An act to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown railroad."**

Assembly, **"An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate."**

Assembly, **"An act to alter the commissioners' map of the city of Brooklyn."**

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled **"An act to reimburse the commissioners named in chapter 653 of Laws of 1869 for moneys expended by them in the discharge of their trust conferred by the provisions of said act,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled **"An act making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot in the town of Hadley, Saratoga county, to Beecher's Hollow in the town of Edinburgh, in said county, a distance of eighteen miles,"** reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the bills entitled as follows:

**"An act to legalize the proceedings of the Quincy Rural Cemetery Association, held December 1st and 2d, 1871, in the town of Ripley, county of Chautauqua, New York,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

**"An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk, New York,' passed March 31, 1866,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

**"An act in relation to the pay of firemen, stokers, and drivers appointed by the fire commissioners of the city of Brooklyn,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

**"An act for the relief of Rosa Abba Boughton and Addie E. Boughton,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

**"An act in relation to the debts of the town of Newtown, Queens county,"** which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

**"An act in relation to the service of citations on lunatics and idiots,"**

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to extend and improve Fourth street in the city of Brooklyn,' passed May 10, 1871, and to confirm certain proceedings had thereunder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to erect the village of Middleburgh into a separate road district, passed April 7, 1859, and the acts amendatory thereof,' passed February 15, 1867, and March 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of the New York Tunnel Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to provide for the improvement of Newtown creek between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the adjustment and payment for services and disbursements made and rendered for the Seneca Nation of Indians by Frank a Newell while attorney for said nation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to incorporate the French Emigration Society of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Trustees of the Presbytery of Westchester," which was read the first time, and by unanimous consent was also



read the second time, and referred to the committee on charitable and religious societies.

"An act to appoint commissioners of parks for the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the sale of the school-house in school district No. 4 in the town of Huntington, Suffolk county, and providing for the application of the proceeds of said sale," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to incorporate Saint Catharine's Hall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to extend the provisions of chapter 57 of the Laws of 1860, entitled 'An act conferring additional powers and duties on courts of special sessions in the county of Monroe,' and chapter 47 of the Laws of 1870, being an act amendatory thereof to the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to regulate taxation for road purposes in the village of Tarrytown, Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act in relation to wills,' passed April 23, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confirm the official acts of John M. Knapp as a notary public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes in relation to bodies of deceased convicts at Auburn State prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' etc., passed April 15, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to incorporate the New Baltimore Chestnut Lawn Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to amend an act entitled An act to



incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,' passed May 3, 1869, passed May 7, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Assembly bill entitled "An act extending the jurisdiction of the park commissioners of the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow	
Baker	Dickinson	Lowery	Tiemann	D. P. Wood	
Bowen	Foster	McGowan	Wagner	J. Wood	
Chatfield	Harrower	Perry	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow	
Allen	Dickinson	McGowan	Tiemann	D. P. Wood	
Baker	Foster	O'Brien	Wagner	J. Wood	
Benedict	Harrower	Perry	Weismann	Woodin	
Bowen	Lewis				22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the rebuilding of the bridge over the Oneida river between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow	
Allen	Dickinson	Lowery	Tiemann	D. P. Wood	
Baker	Foster	McGowan	Wagner	J. Wood	
Benedict	Harrower	Perry	Weismann	Woodin	
Chatfield					21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 323 of the Laws of 1859, entitled 'An act to define the powers and duties of the superintendents of the poor in the county of Monroe,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Benedict	Dickinson	McGowan	Tiemann	D. P. Wood
Bowen	Foster	O'Brien	Wagner	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Genesee Valley Water-works Company," was read a time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act for the suppression of the trade in, and circulation of, obscene literature, illustrations, advertisements, and articles of indecent or immoral use; and obscene advertisements of patent medicines and articles for producing abortion, and to amend and revise chapter 430 of the Laws of 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Wagner
Allen	Dickinson	McGowan	Robertson	Weismann
Baker	Foster	Madden	Tiemann	Woodin
Benedict	Harrower	O'Brien		18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to abolish the office of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Wagner
Allen	Cock	Lewis	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to provide an assistant clerk for the court of general sessions of the peace in and for the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	McGowan	Wagner
Allen	Chatfield	Johnson	Madden	Weismann
Baker	Cock	Lewis	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to change the name of the Board of Foreign Missions of the Reformed Protestant Dutch Church to Board of Foreign Missions of the Reformed Church in America," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Bowen	Foster	Madden	Tiemann	Woodin
Chatfield	Harrower	O'Brien	Wagner	19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment, or decree," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	Winslow
Bowen	Foster	Madden	Tiemann	D. P. Wood
Chatfield	Harrower	O'Brien	Wagner	Woodin 20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of J. Rowe Fanning," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Madden	Wagner	
Allen	Chatfield	Harrower	O'Brien	Weismann	
Baker	Cock	Lowery	Robertson	Winslow	
Benedict	Dickinson	McGowan	Tiemann	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May 2*, 1872. }

*To the Senate :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 381, entitled "An act to amend an act entitled 'An act to incorporate the village of Warwick.'"

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow	
Baker	Dickinson	McGowan	Tiemann	D. P. Wood	
Benedict	Foster	Madden	Wagner	J. Wood	
Bowen	Harrower	Perry	Weismann	Woodin	20

On motion of Mr. Madden, and by unanimous consent, said bill was amended as follows :

Section 3, engrossed bill, strike out all after the word "procured," in line 17, down to and including the word "trustees," in line 26.

Same section, strike out from the word "district," in line 27, down to and including the word "Warwick," in line 28.

Same section, line 29, after the word "village," insert the words "and the commissioners of the said town."

Same section, line 33, insert the word "next" before the word "annual."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	McGowan	Robertson	Winslow	
Allen	Dickinson	Madden	Tiemann	D. P. Wood	
Baker	Harrower	O'Brien	Wagner	J. Wood	
Benedict	Lewis	Perry	Weismann	Woodin	
Bowen	Lowery				22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, May 2, 1872. }

*To the Senate :*

In compliance with a concurrent resolution of the Senate and Assembly, I return, for amendment, Senate bill No. 423, entitled "An act to regulate elections in the city of Brooklyn."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin 20

On motion of Mr. Perry, and by unanimous consent, said bill was amended as follows :

Section 4, line 5, printed bill, insert, after the word "Brooklyn," the words "provided that the mayor shall designate and appoint one member of said board, and the comptroller and auditor shall designate and appoint the other two members of said board."

Section 5, strike out, after the word "and," in line 3, down to and including the word "persons," in line 6, and insert in lieu thereof the words "the member of said board appointed by the mayor shall designate and appoint one person, and the other two members of said board shall designate and appoint two persons to act as registers and inspectors of election, and the member of said board appointed by the mayor shall appoint one person, and the other two members of said board shall appoint two persons."

Section 10, line 9, after the word "election," insert the words "provided that one of said poll clerks shall be appointed by the inspector who was appointed by the mayor's appointee in the board of elections, and the other poll clerk by the other two inspectors."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow
Allen	Dickinson	McGowan	Tiemann	D. P. Wood
Baker	Foster	Madden	Wagner	J. Wood
Benedict	Harrower	Perry	Weismann	Woodin 21
Bowen				

FOR THE NEGATIVE.

Johnson 1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *May* 1, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Alvord, and by unanimous consent, the same was amended as follows :

Section 1, line 2, strike out the words "fifty-six," and insert in lieu thereof the words "forty-six."

Amend the title by striking out, in first line, the words "fifty-six," and insert in lieu thereof the words "forty-six."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Chatfield	Harrower	Madden	Wagner	Woodin 20

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Bowen	Foster	Madden	Wagner	Woodin 20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly bill entitled "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Dickinson	McGowan	Robertson	Woodin
Benedict	Foster	Madden	Tiemann	19

FOR THE NEGATIVE.

Winslow	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concured in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company in the city of Brooklyn,' passed April 11, 1864," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	Winslow
Baker	Foster	Madden	Tiemann	D. P. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Winslow
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the New York Loan and Security Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Wagner	Woodin
Bowen	Harrower			

17

## FOR THE NEGATIVE.

Johnson	Lowery	Tiemann		
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8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to enable Timothy Baldwin, Jr., to take and hold real estate, and to release to him the interest and title in lands escheated to the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Foster	Madden	Wagner	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 345 of the Laws of 1868, entitled 'An act to amend section 6 of an act entitled An act for the publication of the Session Laws in two newspapers in each county of this State, passed May 14, 1845,' passed April 27, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann	
Allen	Foster	McGowan	Robertson	Winslow	
Baker	Harrower	Madden	Tiemann	D. P. Wood	
Chatfield	Lewis	O'Brien	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river, by authorizing the city of Albany to issue its bonds, and the Delaware and Hudson Canal Company to guarantee the same, for the purpose of aiding in such construction," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Madden	Weismann	
Allen	Chatfield	Harrower	Perry	Winslow	
Baker	Cock	Johnson	Robertson	D. P. Wood	
Benedict	Dickinson	McGowan	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Weismann	
Allen	Cock	McGowan	Robertson	Winslow	
Baker	Foster	Madden	Tiemann	D. P. Wood	
Benedict	Harrower	O'Brien	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize John T. Mills and his associates to use cars in lieu of stages over the route of the Bull's Head stage line in the city of New York, and to lay down rails and use cars thereon in certain streets in connection therewith," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen Bowen	Chatfield Dickinson	Foster Harrower	Lewis Lowery	Winslow Woodin	10
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**FOR THE NEGATIVE.**

Adams Benedict Cock	Johnson Madden	Perry Robertson	Tiemann Wagner	Weismann D. P. Wood	11
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Mr. D. P. Wood asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. D. P. Wood subsequently voted in the negative.

Mr. Chatfield moved that the vote just taken be reconsidered, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. Adams moved that the Senate go into executive session at one o'clock and forty-five minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Allen offered the following :

*Resolved*, That the State assessors be, and they are hereby requested to report to the Senate, at its next regular session, such facts as they may be in possession of in regard to the general condition and increases of the real and personal property of the State; the agricultural and other resources of the State by counties; the basis and facts upon which the equalization of the said State assessors is predicated; together with their views relative to a more uniform system of assessment in the several counties of this State, and their views as to what change should be made in the laws relating to the assessment and taxation of real and personal property, and what percentage of the actual value of the property of the State is borne upon the assessment rolls, so far as they may be able to ascertain the same; and any other matters which, in their view, may be important on the question of the equalization of State assessments.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Johnson moved to take from the table the following concurrent resolution :

*Whereas*, At the last session of the Legislature, the following amendment to the Constitution was passed in Senate and Assembly, viz :

That section 2 of article 2 of the Constitution of this State be amended so that it shall read as follows :

"§ 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and for depriving every person who shall make or become, directly or indirectly, interested in any wager depending upon the result

of any election, or who shall pay, give or receive, or promise to pay or give money or other property or valuable consideration, with intent to influence any elector in giving his vote, or to deter any elector from voting, or from the right to vote at such election, or from holding any office voted for at such election ;” and

*Whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two Houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the then next general election of Senators ; and

*Whereas*, Such election has taken place, and said proposed amendment was duly published for three weeks previous to the time of making such choice, in pursuance of the provision of section 1 of article 13 of the Constitution ; therefore,

*Resolved* (if the Assembly concur), That the Senate do agree to the proposed amendment.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to concur in the final passage of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	Madden	Wagner	Woodin
Bowen	Johnson	O'Brien		

23

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled “An act to regulate taxation for road purposes in the village of Tarrytown, Westchester county,” reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson moved that the bill entitled “An act to incorporate the city of Yonkers,” be recommitted to the committee on the affairs of cities, retaining its place on the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen moved that the Assembly bill entitled “An act to establish and maintain a police force in and for the county of Richmond,” be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Harrower moved that the Assembly bill entitled “An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said village,” be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Lewis moved to take from the table the following concurrent resolution :

*Resolved* (if the Assembly concur), That the commissioners appointed in chapter 868 of the Laws of 1871 to examine and practically test all inventions and devices, which may be submitted to them for that purpose, by which steam, caloric, electricity, or any motor other than animal power may be practically and profitably applied in the propulsion or towage of boats upon the canals, are hereby required to examine and test the plans for propelling and towing boats by means of a submerged cable and clip drum, commonly known as the European or Belgian system; and if, in the judgment of said commissioners or a majority of them, the said system is superior to any other invention or device which shall have been submitted to them for the towage or propulsion of boats upon the canals, they are hereby required to certify that fact to the Legislature at the next session thereof.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to amend as follows :

Add, at the end of the resolution, the following: "But no expense incurred in said experiments shall be chargeable to or paid by the State."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood moved to strike out the words "and if, in the judgment of said commissioners or a majority of them, the said system is superior to any other invention or device which shall have been submitted to them for towage or propulsion upon the canals, they are hereby required to certify that fact," and insert in lieu thereof the words "and report the result of their investigations."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to legalize the proceedings of the Quincy Rural Cemetery Association, held December 1st and 2d, 1871, in the town of Ripley, county of Chautauqua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry moved to take from the table the vote by which the bill entitled "An act for the improvement of First street and Kent avenue in the city of Brooklyn," was passed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Weismann
Allen	Chatfield	Harrower	Perry	Winslow
Baker	Cock	Lewis	Robertson	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	Woodin

Mr. Perry moved to recommit said bill to the committee on the affairs of cities, retaining its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Allen, and by unanimous consent, the Assembly bill entitled "An act to legalize the proceedings of the Quincy Rural Cemetery Association, held December 1st and 2d, 1871, in the town of Ripley, county of Chautauqua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Winslow	
Allen	Dickinson	Lewis	Robertson	D. P. Wood	
Baker	Foster	Lowery	Wagner	J. Wood	
Benedict	Harrower	Madden	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 150 of the Laws of 1837, authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the bill entitled "An act authorizing the sale of the school-house in school district No. 4 in the town of Huntington, Suffolk county, and providing for the application of the proceeds of said sale," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend certain provisions of law relating to wharves, piers, and bulk-heads in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Tiemann asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railroad Company,' and 'An act to amend an act entitled An act to amend an act to incorporate the New York City Central Underground Railroad Company;'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the German American Mutual Warehousing and Security Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, towards Coney Island, in the county of Kings,'" reported in favor of the passage of the same,



with amendments, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages."

"An act to establish and maintain a police force in and for the county of Richmond."

"An act to enable the legal voters of any town to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein of intoxicating liquors shall be prohibited, and to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act."

After some time spent therein the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to, and said bills ordered to a third reading.

Messrs. Prince, Niles, and D. B. Hill, a committee from the Assembly, appeared in the Senate chamber and announced that they had been appointed a committee, on the part of the Assembly, to wait on the honorable the Senate and inform them that the House of Assembly have impeached George G. Barnard, justice of the supreme court of this State, for mal and corrupt conduct in office ; that in due time articles of impeachment would be exhibited against him and made good before the Senate, and demand that the Senate take order for the appearance of the said George G. Barnard to answer to the impeachment.

The President of the Senate announced to the committee that the Senate would take due order thereon at the proper time.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837,' and the several acts amendatory thereof, passed May 3, 1869, passed May 7, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on insurance, to which was referred the Assembly bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry moved that the Assembly bill entitled "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Woodin moved that the Assembly bill entitled "An act conferring

jurisdiction upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Madden moved that the bill entitled "An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The hour of one o'clock and forty-five minutes having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened, and the Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river."

Assembly, "An act conferring jurisdiction upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum."

Assembly, "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871."

After some time spent therein, the President resumed the chair, and Mr. Lewis, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Lewis, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

The hour of two o'clock having arrived, the Senate took a recess until half-past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Bowen moved that the bill entitled "An act to authorize the Binghamton, Dushore and Williamsport Railroad Company to lay a railroad track on the tow-path of that part of the Chenango canal extension which lies south of the Susquehanna river," as amended, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

**"An act to provide for a more complete town representation in boards of supervisors in all the counties in this State, except in the counties of New York and Kings."**

**Assembly, "An act to authorize the construction of a bridge over the Glen's Falls feeder in the village of Glen's Falls, New York."**

**Assembly, "An act for the relief of Pratt and Company."**

After some time spent therein, the President resumed the chair, and Mr. Chatfield, from said committee, reported progress on the first named bill; and asked and obtained leave to sit again.

Mr. Chatfield, from the same committee, reported in favor of the passage of the two last named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act relative to lands held in trust by Henry G. Moore,'" reported that they had made some amendments thereto, and have amended the title so as to read as follows: "An act to amend an act entitled 'An act relative to lands held in trust by Henry G. Moore for the benefit of Nehemiah Denton and his descendants,' passed February 10, 1872," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend subdivision 4 of section 23 of article 2 of title 2 of part 2 of chapter 6 of the Revised Statutes relating to granting letters of administration in cases of intestacy," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Patriot Orphan Home in the town of Flushing to convey certain real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the appointment of commissioners to propose amendments to the Constitution," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes in relation to bodies of deceased convicts at Auburn State prison," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relating to the marine court in the city of New York declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the

Assembly bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river,' passed April 13, 1858, and the several acts amendatory thereof, being chapter 465 of the Laws of 1862, and chapter 304 of the Laws of 1868," reported in favor of the passage of the same.

On motion of Mr. Baker, and by unanimous consent, said bill was ordered considered in the first committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to improve the navigation of the Baldwinsville canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco."

"An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river,' passed April 13, 1858, and the several acts amendatory thereof, being chapter 465 of the Laws of 1862, and chapter 304 of the Laws of 1868."

"An act making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot in the town of Hadley, Saratoga county, to Beecher's Hollow in the town of Edinburgh, in said county, a distance of eighteen miles."

After some time spent therein, the President resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered to a third reading.

Mr. Lewis, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that said bill be made a special order for tomorrow morning at 12 o'clock, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the adjustment and payment for services and disbursements made and rendered for the Seneca Nation of Indians by Frank A. Newell while attorney for said nation," reported in favor of the passage of the same, with amendments.

On motion of Mr. Allen, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to

the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Bowen	Foster	McGowan	Winslow	
Allen	Chatfield	Harrower	Madden	D. P. Wood	
Baker	Cock	Johnson	Wagner	J. Wood	
Benedict	Dickinson	Lowery	Weismann	Woodin	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to incorporate the New York and Canada Bridge and Tunnel Company," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 6, engrossed bill, strike out the words "from some point below Squaw Island."

Strike out sections 16, 17, 18, and 19, and change the numbers of subsequent sections to correspond.

Section 20, strike out all after the word "subscribed," in line 13, and insert in lieu thereof the words "the same shall be distributed pro rata among the subscribers."

Section 21, line 1, strike out the word "five," and insert in lieu thereof the word "twenty."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Johnson	Madden	Weismann	
Allen	Cock	Lewis	Perry	Winslow	
Baker	Foster	Lowery	Tiemann	D. P. Wood	
Benedict	Harrower	McGowan	Wagner	Woodin	
Bowen					21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to regulate elections in the city of Brooklyn."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the report of the conference committee thereon:

"An act making appropriations for the support of government."

*Ordered,* That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to provide for widening the Coney Island Plank-road in the county of Kings, and for the subsequent management thereof,' passed May 15, 1868."



"An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same."

"An act in relation to the unadjusted claims of the soldiers in the war of 1812."

"An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized."

"An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland Cemetery, in said town."

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street and raise money to pay for the same."

"An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island, and the water rights surrounding the same."

"An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lowery, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to incorporate the Mechanics' and Traders' Exchange of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend section 1 of chapter 438 of the Laws of 1872,' passed April 29, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act relating to assessments and other proceedings relative to local improvements and public work in the city of New York."

Assembly, "An act to incorporate the Queens Railway Company."

Assembly, "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies."

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Harrower, from the same committee, reported in favor of the pas-



sage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Harrower, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in the real estate of which William Long, late of Minerva, Essex county, died seized to Isaac Hagen," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to Frederick Schleuter all the right, title, and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to appoint commissioners of parks for the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the service of citations on lunatics and idiots," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the French Emigration Society of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to wills,' passed April 23, 1864," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1865," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to proceedings for the safe keeping and care of lunatics," reported adversely thereto, which report was agreed to.

Mr. Chatfield moved that the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Johnson moved that the Assembly bill entitled "An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. D. P. Wood moved that the Assembly bill entitled "An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes in relation to bodies of deceased convicts at Auburn State prison," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Palmer, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act in relation to courts and justices in the city and county of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the resolutions introduced by Senator Tiemann relative to the city of New York, reported by bill entitled "An act relating to the local government of the city of New York," and recommend its passage.

Mr. Palmer moved that said bill be made the special order for to-morrow morning immediately after the reading of the journal, and that the Clerk be directed to have the bill printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bill entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. D. P. Wood, the Senate adjourned.

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## FRIDAY, MAY 3, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Gwynne.

The journal of yesterday was read and approved.

Mr. D. P. Wood moved that the special order set down for this hour be postponed for fifteen minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Newtown creek between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk, New York,' passed March 31, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837,' and the several acts amendatory thereof, passed March 20, 1857, passed May 3, 1869, passed May 7, 1870."

Assembly, "An act to amend section 3 of chapter 19 of Laws of 1821 to perpetuate certain testimony respecting the title of the Poultney estate in this State." [With amendments.]

Assembly, "An act to appoint commissioners of parks for the State of New York." [With amendments.]

Assembly, "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, towards Coney Island in the county of Kings.'"

Assembly, "An act creating a board of commissioners of emigration and conferring therein certain powers and duties." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to amend chapter 150 of the Laws of 1837, authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson."

Assembly, "An act to regulate taxation for road purposes in the village of Tarrytown, Westchester county."

"An act in relation to the College of the city of New York."

Assembly, "An act authorizing the sale of the school-house in school district No. 4 in the town of Huntington, Suffolk county, and providing for the application of the proceeds of said sale."

"An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water."

Assembly, "An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842." [With amendments.]

Assembly, "An act to improve the navigation of the Baldwinsville canal."

Assembly, "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1865."

Assembly, "An act to confirm the acts of Hezekiah W. Whitney,

administrator with the will annexed of the estate of Melvin S. Whitney, deceased."

Assembly, "An act to incorporate the New York and South American Contract Company." [With amendments.]

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to academies and union schools, and the distribution of public funds."

"An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871."

"An act to amend an act for the laying out, opening, and closing of streets, roads, and avenues, in the town of Morrisania, passed May 19, 1868."

"An act to amend 'An act to provide for the incorporation of religious societies,' passed April 5, 1853."

"An act entitled 'An act to provide for the erection of a town house in the town of Meredith, county of Delaware.' "

"An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglass, and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868."

"An act relating to the local government of the city of New York."

Mr. Harrower, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' passed April 15, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad;' also chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company; to re-enact portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company held or owned by the town of Schoharie,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled An act to erect the village of Middleburgh into a separate road district," passed April 7, 1859, and the acts amendatory thereof, passed February 15, 1867, and March 20, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act for the relief of Rosa Abba Boughton and Addie E. Boughton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act in relation to the debts of the town of Newtown, Queens county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act to incorporate the city of Yonkers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to organize a board of school commissioners in and for the city of Troy," with a message that they had passed the same, with the following amendments:

Strike out section 1, and insert in lieu thereof the following:

"Section 1. The city of Troy shall, on and after the passage of this act, constitute a single school district."

Section 2, line 2, strike out the word "four," and insert in lieu thereof the word "twelve."

Strike out from the word "members," in section 2, line 2, all down to and including the word "and," in line 4.

Same section, line 4, insert the word "who" before the word "shall."

Section 3, strike out all after the word "commissioners," at the end of line 4, down to and including the word "and," in line 12.

Insert the word "who" before the word "shall," in line 12.

Same section, line 14, strike out the word "two."

Same section, line 14, strike out the letter "s" in the word "years," so that it shall read "year."

Same section, line 15, strike out the word "six," and insert in lieu thereof the word "four."

Same section, same line, after the word "commissioners," strike out all down to and including the word "act," in line 17.

Same section, line 18, strike out the word "four," and insert in lieu thereof the word "three."

Section 4, line 12, at the ending thereof, strike out the word "and."

Same section, line 13, after the word "two," insert the words "and three."

Same section, same line, after the word "each," strike out all down to and including the word "two," in line 15.

Same section, line 18, strike out the word "five," and insert in lieu thereof the word "four."

Same section, line 20, strike out the word "seven," and insert in lieu thereof the word "five."

Same section, same line, after the word "and," second occurring, add the following: "the time of office of those drawn in class number 'three' shall end on the second Tuesday of March, A. D. 1876, and."

Section 5, line 7, strike out the word "two," and insert in lieu thereof the word "six."

Same section, same line, after the word "persons," strike out all down to and including the word "act," in line 8.

Same section, line 9, after the word "elector," strike out all down to and including the word "elected," in line 10.

Same section, line 12, after the word "exceeding," strike out all down to and including the word "district," in line 13.

Same section, same line, after the word "exceeding," insert the word "six."

Same section, line 31, strike out the word "four," and insert in lieu thereof the word "twelve."

Same section, same line, after the word "persons," strike out the words "from each school district."

Same section, line 37, strike out the word "four," and insert in lieu thereof the word "twelve."

Same section, line 88, strike out the words "from each school district respectively."

Same section, line 41, strike out the words "any one of them," and insert the following: "either of said candidates receiving such equal number of votes."

Same section, line 43, strike out the word "elect," and insert in lieu thereof the word "choose."

Same section, same line, strike out the words "residing in said districts."

Section 6, line 3, strike out the word "five," and insert in lieu thereof the word "four."

Same section, line 4, strike out the word "two."

Same section, same line, strike out the letter "s" from the word "years," so that it will read "year."

Same section, line 8, strike out the word "one," and insert in lieu thereof the word "two."

Same section, line 9, strike out the words "from each school district," and also the word "an" before the word "electors."

Same section, line 10, strike out the letter "a" at the commencement of the line.

Same section, same line, strike out the words "district for which he is to be elected," and insert in lieu thereof the words "said school district."

Same section, line 15, strike out the word "two," and insert in lieu thereof the word "four."

Same section, same line, strike out the words "from each school district."

Same section, line 20, strike out the word "four," and insert in lieu thereof the word "three."

Same section, line 22, strike out the word "two," and insert in lieu thereof the word "four."

Same section, line 23, strike out the words "from each school district respectively."



Same section, line 26, strike out, at the end of the line, the words "any one."

Same section, same line, strike out, at the commencement of the line, the words "of them."

Same section, same line, before the word "and," insert the words following: "either of said candidates receiving such equal number of votes."

Same section, line 28, strike out the word "such," and after the word "persons," in same line, strike out the words "residing in said district," and insert in lieu thereof the words "to fill said office."

Section 9, strike out all of line 4, and line 5 down to the word "such," in said line.

Section 13, line 9, insert the word "and" between the words "apparatus" and "maps," and after the word "maps" strike out the words "and music books."

Same section, line 10, between the words "out" and "the," insert the word "of."

Section 14, line 5, after the word "the," insert the words following: "filling of vacancies as."

Same section, line 6, insert the words "seventh and" between the words "the" and "eighth," and after the word "eighth," strike out the words "and ninth."

Same section, line 10, strike out the word "appropriation," and insert in lieu thereof the word "application."

Section 16, at the end of the section, insert the following: "and shall be paid by him when countersigned by the comptroller of said city according to law."

Section 18, in line 12, between the words "proper" and "upon," insert the words "as now provided by law."

Same section, at the end of line 13, insert the following: "but no part of the moneys raised under the provisions of this act shall be appropriated to, or used for, the support of any school or schools, except such as shall be exclusively under the control or management of the board of school commissioners to be elected under the provisions of this act."

Section 20, strike out lines 1 and 2 down to and including the word "alderman," and insert in lieu thereof the words "no officer."

Same section, line 2, strike out the word "in" before the word "eligible," so that it will read "eligible."

Same section, lines 4 and 5, strike out the words "either of the officers above named," and insert in lieu thereof the words "any other officer under the charter of the city."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Cock	Lowery	Robertson	Winslow
Baker	Harrower	McGowan	Tiemann	J. Wood
Benedict	Johnson	Madden	Wagner	Woodin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State," reported in favor of the passage of the same, with amendments.

Mr. Lewis moved that said bill be printed, and that it be made the special order for to-morrow morning immediately after the reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act relating to the local government of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Madden, from said committee, reported in favor of the passage of said named bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Palmer moved that the session to-day be extended indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Palmer moved that the bill entitled "An act relating to the local government of the city of New York," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Madden	Wagner
Allen	Dickinson	Lewis	Palmer	Weismann
Baker	Foster	Lord	Perry	Winslow
Benedict	Graham	Lowery	Robertson	D. P. Wood
Bowen	Harrower	McGowan	Tiemann	J. Wood
				25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President presented a communication from the Auditor of the Canal Department, in response to a resolution of the Senate relative to the claims audited by the Canal Board in the matter of the Black river water claims; which was laid on the table and ordered printed.

(See Doc. No. 89.)

Mr. D. P. Wood moved that the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," be made the special order for this evening at half-past seven o'clock, and that when the Senate adjourn to-day it adjourn to meet at half-past seven o'clock, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill, pursuant to resolution of the Senate

entitled "An act to prevent frauds in the sale of patent rights," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood moved that the bill entitled "An act to amend an act entitled 'An act relative to lands held in trust by Henry G. Moore for the benefit of Nehemiah Denton and his descendants,' passed February 10, 1872," be recommitted to the committee on the judiciary, retaining its place on the third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cock moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

By unanimous consent, Mr. Baker asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York, and provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat,'" reported that they have made some amendments thereto, and amended the title so as to read as follows: "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," which report was agreed to, and said bill committed to the committee of the whole.

A message from the Assembly was received and read, as follows:

*Resolved*, That a respectful message be sent to the Senate requesting the return, for amendment, of Assembly bill No. 817, entitled "An act to amend the charter of the village of Flushing."

*Ordered*, That the Clerk return said bill to the Assembly.

On motion of Mr. Cock, the Senate took a recess until half-past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to the improvement of the Eighth avenue in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to extend the time for the completion of the Rondout and Port Jervis Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to re-enact and amend chapter 125 of the Laws of 1851, enti-

tled 'An act to incorporate the Minisceongo Ferry Company in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to enable the mayor and common council of Long Island City to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the preservation of shell fish in the town of North Hempstead, in Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, the sum of four thousand four hundred and forty-six dollars and seventy-three cents to pay the outstanding indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend 'An act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church,' passed April 14, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the city of Newburgh to borrow moneys and issue bonds therefor for the payment of the existing contingent debt of said city, and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act amending 'An act for the suppression of obscene literature, illustrations, advertisements, and articles of indecent or immoral use, and obscene advertisements of patent medicines,' passed April 28, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to confer on the recorder of the city of Binghamton the powers and duties of justices of the peace in towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to perfect an amendment to the Constitution relative to the court of appeals, and for the extension of the service of the commissioners of appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act for the better preser-

vation of horse records," with a message that they had concurred in the passage of the same, with the following amendment:

Amend, at the end of section 1 and line 3, by inserting the words "under oath."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	D. P. Wood
Allen	Dickinson	McGowan	Robertson	J. Wood
Baker	Harrower	Madden	Wagner	Woodin
Bowen	Johnson	Palmer	Weismann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to regulate the practice of pharmacy and sale of poisons in the city and county of New York," with a message that they had concurred in the passage of the same, with the following amendments:

Page 1, engrossed bill, section 2, line 2, after the word "pharmacy," add the words following: "or a graduate having a diploma from some legally constituted medical college or society."

Section 4, line 5, after the word "pharmacists," strike out the words "as professors of pharmacy," and insert in lieu thereof the words "three of which shall be graduates of some legally constituted medical college, and the remaining two graduates of some legally constituted college of pharmacy."

Same section, line 6, insert the word "and" after the words "New York."

Section 5, line 9, strike out the words "be one," and insert in lieu thereof the words "not exceed two;" and at the end of same line, and beginning of line 10, strike out the words "be one-half," and insert in lieu thereof the words "not exceed one."

Section 6, line 5, insert, after the word "and," the words "also these."

Insert, at the commencement of section 11, the words following: "chapter two hundred and two of the laws of eighteen hundred and seventy-one, entitled."

Section 1, line 5, strike out the words "bearing on," and insert in lieu thereof the words "relating to."

Add, at the end of section 10, the words following: "and shall be expended for the purchase of books for the library of said college."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Robertson	Winslow
Allen	Dickinson	Lowery	Tiemann	D. P. Wood
Baker	Foster	Palmer	Wagner	Woodin
Benedict	Graham	Perry	Weismann	19

FOR THE NEGATIVE.

Johnson	Lewis	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, engrossed bill, line 8, after the word "lane," insert the words following: "reserving, at all times, the right of way through the lane on the north side of said land to the prison dam for the purpose of repairing or reconstructing the same, and also the right, at any time, of occupying so much of said land as may be necessary for the purpose of placing materials for such repairs or reconstruction."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the negative.

The Assembly returned the bill entitled "An act dividing the State into congressional districts," with a message that they had concurred in the passage of the same, with the following amendments:

Page 2, line 21, engrossed bill, strike out the words "and Schoharie."

Same line, after the word "Ulster," insert the word "and."

Line 23, change the word "county" to "counties," and after the word "Albany" insert the word "Schoharie."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Palmer	Winslow
Baker	Dickinson	Lowery	Wagner	D. P. Wood
Benedict	Graham	McGowan	Weismann	Woodin
Bowen	Harrower	Madden		

18

#### FOR THE NEGATIVE.

Adams	Johnson	Perry	Robertson	Tiemann	5
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Mr. Adams moved that the vote by which the amendments of the Assembly to said bill were concurred in be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Adams moved that the Senate non-concur in the amendments made by the Assembly to said bill, and that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Adams, Winslow, and Cock.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and have appointed a committee of conference thereon.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to improve and regulate the use of the Fourth avenue in the city of New York."

"An act in relation to the publication of notices and citations."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend an act entitled 'An act to incorporate the village of Warwick,' passed April 15, 1867."



"An act to authorize the United States Contracting Company to change its name."

"An act relating to the Pacific Mail Steamship Company authorizing the reduction of its capital stock, and prescribing the qualification of directors."

"An act to provide for examining and auditing the accounts of certain commissioners for making, improving, or extending certain roads in the town of Yonkers."

"An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways."

"An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866."

"An act in relation to petit jurors for the county courts and courts of sessions in the county of Westchester."

"An act to provide for the improvement of part of One Hundred and Fifty-fifth street in the city of New York."

"An act to provide for the erection of houses of detention or lock-ups in the several towns of this State."

"An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district in the city of New York,' passed February 17, 1871,"

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

"An act to provide for the repair, improvement, construction, and protection of bridges on the Cattaraugus Indian reservation in the counties of Erie and Cattaraugus."

"An act in relation to the incorporation of the village of Whitney's Point."

"An act to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire."

"An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons, and State reformatory at Elmira, of this State, and to report thereon, and also to suggest such laws, rules, and regulations as they may deem proper for the better regulation and discipline of said prisons to the Comptroller of this State."

Mr. Benedict offered the following:

*Resolved*, That one thousand copies of the report of the Commissioners of Fisheries be printed for the use of the Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. D. P. Wood moved to postpone the consideration of the special order set down for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Wagner, from the committee on railroads, to which was recommended the bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation, and management thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Trustees of the Presbytery of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Cock asked and obtained leave to introduce a bill entitled "An act to provide for a commission to propose amendments to the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the New Baltimore Chestnut Lawn Cemetery Association," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Palmer, the Senate resolved itself into a committee of the whole, and proceeded to the consideration of the bill entitled as follows:

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported progress on said named bill, and asked leave to sit again.

Mr. Palmer moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood moved that the consideration of the special order be postponed until to-morrow at twelve o'clock, M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood offered the following:

*Resolved*, That when the Senate adjourn to-morrow it adjourn until half-past seven o'clock Monday evening.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

On motion of Mr. Madden, and by unanimous consent, the Assembly bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a

majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Robertson	D. P. Wood	
Cock	Harrower	Madden	Tiemann	Woodin	
Dickinson	Johnson	Palmer	Wagner		14

FOR THE NEGATIVE.

Adams	Benedict	Graham	Weismann	J. Wood	
Allen	Bowen	Lewis	Winslow		9

Mr. Madden moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. D. P. Wood moved that the following entitled Assembly bills be considered in the first committee of the whole :

“An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes in relation to bodies of deceased convicts at Auburn State prison.”

“An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York.”

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

“An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes in relation to bodies of deceased convicts at Auburn State prison.”

“An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York.”

After some time spent therein the President resumed the chair, and Mr. Allen, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Allen, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. J. Wood asked and obtained leave to introduce a bill entitled “An act in relation to the court for the trial of impeachment,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Tiemann offered the following :

*Resolved*, That the bill entitled “An act in relation to courts and justices in the city and county of New York,” be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled “An act to incorporate Saint Catharine’s Hall,” reported that they have had the same under consideration, and asked to be discharged from the further consideration of said bill,

and that it be referred to the committee on literature; which report was agreed to.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to extend the provisions of chapter 57 of the Laws of 1860, entitled 'An act conferring additional powers and duties on courts of special sessions in the county of Monroe,' and chapter 47 of the Laws of 1870, being an act amendatory thereof to the county of Wayne," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for a deputy clerk for the court of general sessions of Kings county,' passed April 10, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act providing for the copying of certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed," reported that they have made some amendments thereto, and amended the title so as to read as follows: "An act for keeping in duplicate certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed," and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange, and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof, to the county of Erie, excepting the city of Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Journeymen Ship Joiners' Benevolent Association of the city of New York,' passed April 13, 1840," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to mechanics' liens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the proprietors of the Shinnecock Hills and lands in the town of Southampton, Suffolk county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to dower, and to

actions and proceedings for the recovery of dower," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Lord	Robertson	Winslow
Allen	Harrower	Lowery	Tiemann	D. P. Wood
Benedict	Johnson	McGowan	Wagner	J. Wood
Bowen	Lewis	Perry	Weismann	Woodin
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the court for the trial of impeachment," reported in favor of the passage of the same.

Mr. J. Wood moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, said bill was amended by inserting the words "or elsewhere."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Allen	Foster	McGowan	Tiemann	D. P. Wood
Baker	Graham	Palmer	Wagner	J. Wood
Benedict	Harrower	Perry	Weismann	Woodin
Bowen				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

Mr. Palmer moved that said bill be read a third.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lowery	Robertson	D. P. Wood
Allen	Foster	McGowan	Weismann	J. Wood
Baker	Graham	Palmer	Winslow	Woodin
Benedict	Harrower	Perry		

18

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann	
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to establish and maintain a police force in and for the county of Richmond," having been announced for a third reading,

Mr. Cock moved to recommit said bill to the committee on the affairs of cities, with instructions to amend as follows :

Restore lines 16 to 27, inclusive, in section 10, the same having been stricken out in the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lowery	Robertson	D. P. Wood
Allen	Foster	McGowan	Weismann	J. Wood
Baker	Graham	Palmer	Winslow	Woodin
Benedict	Harrower	Perry		

18

## FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann	
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to incorporate the city of Yonkers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Tiemann	D. P. Wood
Allen	Graham	McGowan	Wagner	J. Wood
Baker	Harrower	Palmer	Weismann	Woodin
Benedict	Lewis	Robertson	Winslow	

19

## FOR THE NEGATIVE.

Johnson				
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act conferring jurisdiction upon the



Canal Appraisers to hear and determine the claim of Joshua W. Ketchum," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Foster	Lord	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Benedict	Harrower	Palmer	Weismann	Woodin
				20

FOR THE NEGATIVE.

Johnson	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Palmer	Winslow
Allen	Cock	Lewis	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Benedict	Graham	McGowan	Weismann	Woodin
				20

FOR THE NEGATIVE.

Tiemann	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed April 12, 1855, as amended by 'An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed May 9, 1868, and for the purpose of securing an additional supply of water for the use of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Winslow
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham	McGowan	Weismann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the capital stock of corporations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Benedict	Harrower	Palmer	Weismann	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Tiemann moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Cock	Johnson	McGowan	Tiemann	D. P. Wood
Foster	Lowery	Perry	Weismann	J. Wood
Graham				

11

## FOR THE NEGATIVE.

Adams	Baker	Lewis	Winslow	Woodin
Allen	Bowen	Robertson		

8

Whereupon the Senate adjourned.

## SATURDAY, MAY 4, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

Mr. Bowen moved that the reading of the journal be dispensed with.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom," with a message that they had passed the same, with the following amendments :

Section 1, insert, after the words "Sodus Bay railroad," in lines 1 and 2, engrossed bill, the words "the Sodus Bay, Corning and New York Railroad Company."

Same section, line 5, insert, after the word "companies," the words "or any two of them."

Same section, line 10, strike out the words "a distance of about twelve miles and a half."

Add, at the end of same section, the words "or other."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Tiemann	D. P. Wood
Baker	Foster	Lord	Weismann	J. Wood
Benedict	Harrower	Lowery	Winslow	Woodin
Bowen	Johnson	Robertson		

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Tiemann offered the following:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die* on Saturday, the 11th instant, at twelve o'clock, M.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the bill entitled "An act relating to lands in the city of New York devised by Francis Wiener, deceased," with a message that they had passed the same, with the following amendment:

Section 2, line 20, engrossed bill, strike out the word "guardian," and insert in lieu thereof the word "referee."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Harrower	Lowery	Tiemann	J. Wood
Bowen	Johnson	Madden	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to authorize the appointment of assistant district attorneys in certain counties of the State," with a message that they had passed the same, with the following amendment:

Strike out lines 1 and 2, in section 1, down to the word "thousand," and insert in lieu thereof the words: "It shall be lawful for the supervisors of any county in this State, having at the last census a population exceeding seventy thousand, to authorize the district attorney of such county."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Harrower	Madden	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

"An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State."

"An act for the better preservation of horse records."

"An act to authorize the appointment of assistant district attorneys in certain counties in this State."

"An act relating to lands in the city of New York devised by Francis Wiener, deceased."

"An act to authorize the Pennsylvania and Sodus Bay railroad, the Sodus Bay and Corning and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein; and to amend the charter of said city,' passed April 16, 1870."

"An act to provide for the adjustment and payment for services and disbursements made and rendered for the Seneca Nation of Indians by Frank A. Newell while attorney for said nation."

"An act to authorize the city of Oswego to borrow and disburse moneys for city purposes."

"An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859."

"An act to provide for the rebuilding of the bridge over the Oneida river between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy."

*Ordered*, That the Clerk return said bills to the Assembly.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor asking the return, for amendment, Assembly bill No. 467, entitled "An act to incorporate the Port Richmond Savings Bank."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act conferring additional power upon the trustees of the village of Batavia."

"An act to amend an act entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' passed April 6, A. D. 1871."

"An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town."

"An act to amend an act entitled 'An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county,' passed April 13, 1857."

"An act to incorporate the German United Evangelical Protestant Synod of the East."

"An act relating to lands devised by David Stanley, deceased."

"An act authorizing the removal of the remains of all persons interred in Monroe street cemetery in the city of Rochester to Mount Hope or other cemeteries in the city, and the taking of the lands included within the bounds of said Monroe street cemetery by the city of Rochester for

public school and park purposes; also the issue of bonds by said city to defray the expense thereof."

"An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo."

"An act to provide for the election of a police justice in and for the village of Cayuga, and defining his power and duties."

"An act to amend an act entitled 'An act for the support and relief of the poor, and for the government of the poor department in the county of Erie,' passed April 19, 1867."

"An act to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railroad companies."

"An act supplementary to, and amendatory of, an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed February 17, 1872."

"An act to define section 5 of chapter 583 of Laws of 1871 relating to the entry of judgments."

"An act to amend the charter of the Young Men's Christian Association of the city of New York."

"An act to incorporate the Addison Spring Water Company."

"An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' etc., passed May 17, 1869."

"An act for the completion of Westchester avenue in the towns of White Plains, Harrison, and Rye, in the county of Westchester."

"An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870."

"An act to confirm proceedings under chapter 905 of the Laws of 1869 and chapter 750 of the Laws of 1870 relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county."

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York."

"An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to military exemptions.' " ,

"An act in relation to the clerks of the marine court of the city of New York."

"An act to amend an act entitled 'An act to lay out, open, and grade Sixtieth street, in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871."

"An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company."

"An act to authorize the construction of a sewer in the county of Kings from the county buildings at Flatbush, in said county."

"An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego."

"An act to confirm an assessment for the expense of paving Broad street in the city of Utica."

"An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868."

"An act to extend the powers of notaries public in the city and county of New York and in the county of Kings."

"An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge, and Rye, in the county of Westchester."

"An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the

city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863."

"An act to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water."

"An act to provide for supplying the village of Whitestone, in the county of Queens, with pure and wholesome water."

"An act in relation to the mounted batteries of artillery of the National Guard."

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the county of Erie."

"An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

"An act to protect purchasers on sales of real estate of infants by special guardian prior to January 1, 1852."

"An act in relation to local improvements in the city of New York."

"An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting the return of Assembly bill No. 508, entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the concurrent resolution "proposing an amendment to the Constitution relative to State prisons," with a message that they had concurred in the passage of the same.

Mr. Lewis moved that the consideration of the special order, being the bill entitled "An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State," be postponed until next Monday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to the College of the city of New York."

"An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water."

"An act in relation to the court for the trial of impeachments."

Mr. Bowen, from the select committee of nine, reported complete the following entitled bills:

"An act in relation to plank-roads."

Assembly, "An act to incorporate the Trustees of the Presbytery of Westchester."

Assembly, "An act relating to the marine court in the city of New



York, declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court."

Assembly, "An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk, New York,' passed March 31, 1866."

Assembly, "An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water."

Assembly, "An act in relation to mechanics' liens."

Assembly, "An act in relation to the debts of the town of Newtown, Queens county."

"An act to amend an act entitled 'An act to incorporate a seminary of education under the name of the Tracy Female Institute,' passed April 17, 1857." [With amendments.]

Assembly, "An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same." [With amendments.]

Assembly, "An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers."

"An act to incorporate the German-American Mutual Warehousing and Security Company."

Assembly, "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871."

Assembly, "An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' etc., passed April 15, 1854."

Assembly, "An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester."

Assembly, "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes relative to proceedings for the drainage of swamps, marshes, and other low or wet lands, and for draining farm lands,' passed May 12, 1869." [With amendments.]

Assembly, "An act to extend the provisions of chapter 57 of the Laws of 1860, entitled 'An act conferring additional powers and duties on courts of special sessions in the county of Monroe,' and chapter 47 of the Laws of 1870, being an act amendatory thereof, to the county of Wayne."

Assembly, "An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site and for the erection of a school-house thereon in school district No. 3 at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district.'"

Assembly, "An act to incorporate the New Baltimore Chestnut Lawn Cemetery Association."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church, passed April 14, 1866," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cock, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act for the preservation of shell fish in the town of North Hempstead, in Queens county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the special order set down for twelve o'clock, m., being the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," be now taken up.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported progress on the said named bill, and asked and obtained leave to sit again.

Mr. D. P. Wood moved that the bill be made a special order for Tuesday morning immediately after the reading of the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Tiemann moved that the bill entitled "An act to provide for the payment of the salaries of the employes of the department of buildings in the city of New York," be recommitted to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry, from the committee on insurance, to which was referred a petition relative thereto, reported by bill entitled "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," which report was agreed to, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to extend and improve Fourth street in the city of Brooklyn,' passed April 10, 1871, and to confirm certain proceedings thereunder," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Newburgh to borrow moneys and issue bonds therefor for the payment of the existing contingent debt of said city, and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete cer-

tain streets in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the mayor and common council of Long Island City to borrow money," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Adams asked and obtained leave to introduce a bill entitled "An act authorizing the city of Albany to close a part of Orange street in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Palmer asked and obtained leave to introduce a bill entitled "An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county for the year 1872 may be fixed, set apart, and apportioned, and provide further regulations in respect thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act for the relief of the American Female Guardian Society and Home for the Friendless of the city of New York in aid of its industrial schools and other departments of charity."

"An act to amend the charter of the Foundling Asylum of the Sisters of Charity in the city of New York."

"An act to reappropriate certain money for the enlargement of the Champlain canal, and also to reappropriate the sum of forty-one thousand dollars, a portion of the unexpended balance appropriated by chapter 768 of the Laws of 1870, to pay awards by the Canal Appraisers and the Canal Board for the years 1868 and 1869."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870."

"An act to amend the charter of the Society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' passed April 12, 1848."

"An act to establish the St. Paul's Church at Rome, Italy, by a Board of Trustees in New York city."

"An act to lay out, open, construct, and keep in repair Flatbush avenue, in the county of Kings."

"An act to amend an act entitled 'An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York,' passed May 3, 1870."

"An act to incorporate the Union Stock Yard and Market Company."

"An act to encourage steam towage upon the canals of this State."

"An act to authorize the water commissioners of the city of Watertown to borrow money for the construction of a reservoir, and for other purposes."

"An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

"An act for the lighting of the streets in the town of New Lots, in the county of Kings, with gas."

"An act to amend the charter of the village of Carthage, Jefferson county."

"An act for the relief of certain religious societies in the county of Kings."

"An act in relation to certain lands in the twelfth ward of the city of New York belonging to the mayor, aldermen and commonalty of said city."

"An act to define the jail limits of the county of Jefferson."

"An act to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States."

"An act to incorporate the National American University of Music and other liberal Arts in the city of New York."

"An act to clear and regulate the court-house property of the county of Kings."

"An act to amend an act entitled 'An act to incorporate the Amsterdam Water-works Company,' passed March 17, 1865."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act dividing the State into congressional districts," with a message that they had consented to a committee of conference, and had appointed as such committee, on the part of the Assembly, Messrs. Husted, Fort, Springsted, Loughran, and A. Hill.

On motion of Mr. Perry, the Senate adjourned.

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## MONDAY, MAY 6, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Whitaker.

The journal of Saturday was read and approved.

The Assembly sent for concurrence the following entitled bills:

"An act to revise the Gypsum Cemetery Association in Ontario county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for the repavement and improvement of Henry street, between Pierrepont street and Fulton street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to confirm, reduce, and levy certain assessments on the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to enable the electors of the town of Wilna, in the county of Jefferson, to vote by districts for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to regulate the court of special sessions in, and to regulate the police of, the county of Columbia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend and extend an act entitled 'An act to make provision for the government of the county of New York,' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' passed April 13, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the Rondout and Oswego Railroad Company to extend its road and change its corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to certain suits and proceedings by and against the late Metropolitan fire department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to repeal chapter 202 of the Laws of 1870, entitled 'An act to provide for a police court-house in the third judicial district in the city of New York,' passed April 14, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to change the bulk-head and pier-head lines or lines of solid filling and the pier line in a part of the port of New York in conformity with the map entitled 'Map of Water Fronts on East river at Bushwick inlet, Brooklyn, E. D.,' made by R. Rosa, city surveyor, which was filed in the office of the Secretary of State on the 5th day of June, in the year 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village the sum of four thousand four hundred and forty-six dollars and seventy-three cents to pay the outstanding indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

A message from the Governor was received and read, as follows :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 6, 1872. }

*To the Senate :*

I return, without approval, Senate bill No. 213, entitled "An act supplemental to, and amendatory of, chapter 842 of the Laws of 1868, an act



entitled 'An act to provide for the transmission of letters, packages, and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868 in relation to carrying letters, packages, and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.' "

It is with great regret that I interpose objections to any scheme which has for its apparent purpose the solution of the important and pressing question of rapid transit in the city of New York.

The history of this project is this: Originally, certain persons were authorized by the Legislature to provide for the transmission of letters, packages, and merchandise in and between New York and Brooklyn through pneumatic tubes. They organized under the general mining and manufacturing law. To the corporation so formed, the privilege was afterwards given to convey passengers through these pneumatic tubes. On this company it is proposed, by this bill, to confer power to construct a tunnel under Broadway and other streets for the purpose of an underground railway, to be operated by steam locomotives, on which railway are to be conveyed passengers and freight.

By the present bill, the company is apparently restricted to the middle of the street, not approaching the curb nearer than two feet; but by the act of 1868 (chapter 1842), they are empowered to construct tubes under the sidewalks and through private vaults. The powers now granted are, of course, in addition to those before conferred, and therefore the whole width of Broadway is practically surrendered to this company for its purposes.

A bill somewhat similar to this one was submitted by the Legislature for my approval at its last session, and was returned by me without my approval to the Senate, with a message dated March 31, 1871, in which my objections were made known at length. Many of the objections then urged by me are not done away with by the provisions of the act now proposed, and I respectfully refer to that message in connection with this bill.

I deem it proper to call the attention of the Legislature again especially to the fact that the chief engineer of the department of public works, a man of large experience and established repute for skill in his profession, decides that this project is impracticable, and that the undertaking of it will be detrimental to the interests of the city. As he represents the public, his opinion ought to be accepted in preference to that of engineers acting in behalf of the company interested.

I quote from his report to me (the proposed construction): "Will cross the lines of the larger sewers now built in the city. Nearly all that part of the city between Fourteenth street and the Bowery, Chatham street and Broadway now drains into the North river, and a large portion of it through the sewer in Canal street. It will almost, of necessity, compel a new sewer or sewers to be constructed to carry this drainage into the East river, and as the surface of the ground at Canal street and Broadway is but twelve feet above tide level, but little descent can be given to the sewer, and consequently it must be of great size to effectually drain this descent. All of the sewers on Broadway will have to be removed, and the drainage provided for through side streets. The small sewers



in the cross streets that would be cut in two will have to be rebuilt in every case, and the plane of inclination changed so as to descend in an opposite direction from that which they do now. In many cases this would involve the rebuilding the sewers for several blocks east and west of Broadway, and sometimes in the adjoining streets running parallel with Broadway.

"I give," he continues, "as my opinion as an engineer, that the plan is impracticable as well as detrimental to the interests of the city, and without a fair prospect of overcoming the problem of quick transit from one end of the island to the other."

The present bill undertakes to give to this company an important part of the route, which is, by previous acts of the Legislature, assigned to another company for the same purpose of an underground railroad; a company possessed of means and capital to which large subscriptions of stock have been already made, and the promoters of which assure me that their work will be prosecuted without further delay.

Whether the present bill will be looked upon as operating so far to repeal the franchise heretofore granted to another company, or to give the two concurrent powers over one and the same route, it is obvious that, if not unconstitutional, it must lead to protracted litigation, and so, by suspending for a long time both works, will retard and embarrass rather than promote the solution of the question of rapid transit in New York city.

It seems to be the special purpose of all bills which have been passed in reference to this route to get possession of the valuable portion of Broadway lying between the Bowling green and Fourteenth street, where the facilities for transit are already many, making the great question of rapid transit through the whole length of the city secondary.

The company are required, by this bill, to finish the portion of their work up to Fourteenth street in two years, but are allowed five years thereafter; in other words, seven years, in all, to complete their proposed connections with the Harlem and Hudson River railroads. Nor is there any penalty or forfeiture as a guarantee against their stopping their work after the road shall have reached Fourteenth street; should they do so, nothing will, in fact, have been contributed towards furnishing the people with what is really wanted.

Assuming that the project is a practicable one, the bill proposes the granting of a most valuable franchise without adequate good being secured to the public in furnishing means of rapid transit from one end of the city to the other.

JOHN T. HOFFMAN.

Mr. Madden moved to lay the message upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act for the preservation of fish in the waters of Steele's creek and McGowan's creek, in the county of Herkimer," with a message that they had passed the same, with the following amendments:

Section 1, line 6, engrossed bill, after the word "land," insert the words "on McGowan's creek."

Section 3, line 2, after the word "town," insert the words "to the credit of the poor fund of the town."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Weismann
Baker	Harrower	McGowan	Robertson	Winslow
Benedict	Johnson	Madden	Tiemann	D. P. Wood
Bowen	Lewis	O'Brien	Wagner	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend the charter of the New York Bond Deposit Company of the city of New York," with a message that they had concurred in the passage of the same, with the following amendment:

Strike out all of section 1 from the word "property," in line 9, to the end of the section.

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Baker	Foster	Lewis	Tiemann	D. P. Wood
Benedict	Graham	McGowan	Wagner	Woodin
Bowen	Harrower	O'Brien		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other railroads," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 7, insert, after the word "and," the words "the branch roads of."

Insert, at the end of section 1, the following words: "and that the action of said railroad companies, and the stockholders thereof, in reference to the consolidation of said companies, shall have the same force and effect as if done after the passage of this act, and the same is hereby ratified and confirmed."

Amend the title by adding, at the end thereof, the following words: "and to the actions of said railroads heretofore had relating to the consolidation thereof."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Baker	Foster	Lord	Perry	Winslow
Benedict	Harrower	McGowan	Tiemann	D. P. Wood
Bowen	Johnson	Madden	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to prevent the furtive possession and use of slung-shot and

other dangerous weapons,' passed April 20, 1866," with a message that they had concurred in the passage of the same, with the following amendment :

Section 1, line 6, after the word "sword," insert the words "or gun."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Tiemann	Winslow
Baker	Harrover	Madden	Wagner	D. P. Wood
Benedict	Lewis	O'Brien	Weismann	Woodin
Cock	Lord	Perry		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to authorize the Brooklyn Improvement Company to issue preferred stock," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause, and insert the following :

"SECTION 1. The Brooklyn Improvement Company may issue and use for any of the purposes authorized by its charter or amendments thereto shares of preferred stock to an amount not exceeding its common or general stock, and may guarantee to such preferred stock such dividends or interest in priority to its general or common stock, and at such rates per annum as it may deem proper; and said company may divide its stock into two or more special classes, each class to appertain to and represent specific portions of its property; and it may divide its stock into two general classes, one to represent its property situated between Fourth avenue and the Gowanus canal, and the other to represent its property between Fourth avenue and Ninth avenue, in said city of Brooklyn, and each of said special classes of stock shall be entitled as against the remaining stock of such preferences and priorities in the management of the property which it shall specially represent, and in the distribution of the income, earnings, and proceeds of sale of the same, as may be agreed upon and stipulated by said company, and indicated in the certificates to be issued therefor, and said company may, in any lawful manner, secure to the holders of such preferred and special stock the preferences and priorities hereinbefore authorized; provided, however, that no action shall be taken by said company by virtue hereof, and no such preferred or special stock shall be issued until after this act shall have been submitted to, and unanimously approved by, the stockholders of said company at a duly called meeting, or unanimously approved by said stockholders in meeting.

"§ 2. This act shall take effect immediately."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Winslow
Baker	Foster	Lord	Perry	D. P. Wood
Benedict	Harrover	McGowan	Tiemann	Woodin
Bowen	Johnson	Murphy	Weismann	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the Assembly bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park in the city of Brooklyn,' passed April 24, 1868," with a message that they had non-concurred in the amendments of the Senate thereto, and request a committee of conference thereon, and have appointed as such committee, on the part of the Assembly, Messrs. Jacobs, Berri, White, Morton, and Roche.

Mr. Murphy moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed as such committee, on the part of the Senate, Messrs. Murphy, J. Wood, and Robertson.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

A message from the Assembly was received and read, as follows:

*Resolved*, That a respectful message be sent to the Senate requesting the return, for amendment, of Senate bill No. 449, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution."

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Johnson moved to reconsider the vote by which the amendments made by the Assembly to the bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad, the Sodus Bay and Corning railroad, and the Sodus Point and Southern Railroad Company to connect their respective railroad branches therefrom," were concurred in.

The President put the question whether the Senate would agree to reconsider the vote upon said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann	
Baker	Foster	McGowan	Perry	Winslow	
Benedict	Harrower	Madden	Tiemann	D. P. Wood	
Bowen	Johnson	Murphy	Wagner	Woodin	20

On motion of Mr. Johnson, and by unanimous consent, said bill was further amended as follows:

Add to section 2 the following words: "And as to such connecting branch or extension, the said companies, or either of them, shall be subject to all the provisions of chapter 140 of the Laws of 1850, and the acts amendatory thereof."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Perry	Winslow	
Baker	Harrower	Madden	Tiemann	D. P. Wood	
Benedict	Johnson	Murphy	Wagner	Woodin	
Cock	Lewis	O'Brien	Weismann		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto, with a further amendment.

Mr. Murphy offered the following :

*Resolved*, That four hundred copies of the annual report of the Trustees of the Astor Library be printed for the use of the trustees.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State."

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. Lewis moved that said bill be made the special order for to-morrow evening at half-past seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of New York to fix and regulate the wages of mechanics and laboring men employed upon the public works, or in any of the departments of the city government of the said city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Chatfield, the Senate adjourned.

## TUESDAY, MAY 7, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Marshall.

The journal of yesterday was read and approved.

The Assembly bill entitled "An act relating to the marine court in the city of New York declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Wagner	D. P. Wood
Allen	Foster	McGowan	Weismann	J. Wood
Baker	Graham	Madden	Winslow	Woodin
Chatfield	Harrower	Robertson		

18

### FOR THE NEGATIVE.

Edict	Bowen	Tiemann
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Weismann offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return, for amendment, of Senate bill No. 136, entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act in relation to the commissioners of jurors in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to prevent frauds in the sale of patent rights," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Winslow
Allen	Dickinson	Lewis	Madden	D. P. Wood
Bowen	Foster	Lord	Robertson	Woodin
Chatfield	Graham	Lowery	Weismann	19

FOR THE NEGATIVE.

Benedict	Murphy	Tiemann	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Board of Trustees of the General Convention of Universalists in the United States of America," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Palmer	Winslow
Allen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Johnson	McGowan	Tiemann	J. Wood
Cock	Lewis	Madden	Weismann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing



and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	McGowan	Perry	D. P. Wood	
Bowen	Foster	Madden	Robertson	J. Wood	
Chatfield	Lord	Murphy	Weismann	Woodin	
Cock	Lowery	Palmer			18

**FOR THE NEGATIVE.**

Adams	Graham	Johnson	Lewis	Tiemann	
Benedict					6

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein of intoxicating liquors shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," having been announced for a third reading,

Mr. Lowery moved to recommit said bill to the committee on internal affairs, with instructions to amend the same so that the provisions of the bill may extend to the cities as well as to the towns in the State.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Winslow moved to recommit said bill to the committee on internal affairs, with instructions to amend as follows :

Strike out the words "fourth Tuesday of May," and insert in lieu thereof the words "third Tuesday of May."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Chatfield	Graham	Palmer	Winslow	
Benedict	Dickinson	McGowan	Robertson	Woodin	
Bowen	Foster				12

**FOR THE NEGATIVE.**

Johnson	Lowery	Murphy	Tiemann	Weismann	5
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The Assembly bill entitled "An act to amend the act entitled 'An act to amend and make additions to an act entitled An act to revise the charter of the city of Oswego,' passed April 16, 1860, and the acts amendatory thereto, as amended April 15, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Benedict	Foster	Lewis	Perry	Winslow
Bowen	Graham	Lord	Robertson	D. P. Wood
Chatfield	Harrower	McGowan	Tiemann	J. Wood
Cock	Johnson	Palmer	Weismann	Woodin
Dickinson				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Graham, from the committee on internal affairs, to which was recommitted the bill entitled "An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away therein of intoxicating liquors, shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," reported that they had amended the same as instructed by the Senate, and recommend its passage.

Mr. Cock moved to recommit said bill to the committee on internal affairs, with instructions to amend as follows:

"Provided, however, that nothing in this act shall be so construed as to prohibit the manufacture, sale, or giving away of any malt beverages or cider."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Johnson	Murphy	Perry	Tiemann	
Foster	Lord	O'Brien	Robertson	Weismann	10

## FOR THE NEGATIVE.

Adams	Bowen	Graham	McGowan	D. P. Wood	
Allen	Chatfield	Harrower	Palmer	J. Wood	
Benedict	Dickinson	Lowery	Winslow	Woodin	15

Mr. Johnson moved to recommit said bill to the committee on internal affairs, with instructions to substitute the Assembly bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Lord	Lowery	Murphy	Tiemann	
Johnson					6

## FOR THE NEGATIVE.

Adams	Chatfield	McGowan	Perry	D. P. Wood	
Allen	Dickinson	O'Brien	Robertson	J. Wood	
Benedict	Graham	Palmer	Weismann	Woodin	
Bowen	Harrower				17

Mr. Lord moved to recommit said bill to the committee on internal affairs, with instructions to amend by substituting the words "last Friday in May" for the words "fourth Tuesday of May."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cock	Lewis	Murphy	O'Brien	Tiemann	
Johnson	Lord				7

## FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Robertson	D. P. Wood
Allen	Dickinson	McGowan	Weismann	J. Wood
Benedict	Foster	Palmer	Winslow	Woodin
Bowen	Harrower	Perry		

18

Mr. Lewis moved that said bill be recommitted to the committee on internal affairs, with instructions to amend so that the election shall be held upon the same day with the town elections.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Johnson	Lord	O'Brien	Weismann
Cock	Lewis	Murphy	Tiemann	

9

## FOR THE NEGATIVE.

Adams	Dickinson	Palmer	Winslow	J. Wood
Benedict	Lowery	Perry	D. P. Wood	Woodin
Chatfield	McGowan	Robertson		

18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Palmer	D. P. Wood
Allen	Dickinson	Harrower	Robertson	J. Wood
Benedict	Foster	McGowan	Winslow	Woodin
Bowen				

16

## FOR THE NEGATIVE.

Cock	Lewis	Lowery	O'Brien	Tiemann
Johnson	Lord	Murphy	Perry	Weismann

10

Mr. Winslow moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act in relation to plank-roads."

"An act to amend an act entitled 'An act to incorporate a seminary of education under the name of the Tracy Female Institute,' passed April 17, 1857."

"An act to incorporate the German-American Mutual Warehousing and Security Company."

Mr. Winslow, from the select committee of nine, reported complete the bills entitled as follows :

Assembly, "An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees, under the last will and testament of Charles H. Carroll, deceased."

Assembly, "An act to enable the mayor and common council of Long Island City to borrow money."

Assembly, "An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the second

day of July, 1862; also to restrict the operation of chapter 511 of the Laws of 1863.' "

Assembly, "An act to amend an act entitled 'An act in relation to wills,' passed April 23, 1864."

Assembly, "An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal to connect Munger and Averill streets in said city,' passed April 7, 1871."

"An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857."

Assembly, "An act to authorize the city of Newburgh to borrow moneys and issue bonds therefor for the payment of the existing contingent debt of said city, and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes."

Assembly, "An act to amend an act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church, passed April 14, 1866."

Assembly, "An act to incorporate the Mosholu Division No. 208, Sons of Temperance."

Assembly, "An act for the preservation of shell fish in the town of North Hempstead, in Queens county."

Assembly, "An act to extend the time for the organization of the Mutual Fire Insurance Company."

Assembly, "An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad;' also chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company, to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company;' also relative to the stock of said railroad company held or owned by the town of Schoharie."

"An act to authorize the Patriot Orphan Home, in the town of Flushing, to convey certain real estate."

Assembly, "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete certain streets in said city."

Assembly, "An act to amend an act entitled 'An act to extend and improve Fourth street, in the city of Brooklyn,' passed April 10, 1871, and to confirm certain proceedings had thereunder."

Assembly, "An act to amend an act entitled 'An act to incorporate the Journeymen Ship Joiners' Benevolent Association of the city of New York,' passed April 13, 1840."

Assembly, "An act to amend an act entitled 'An act to provide for a deputy clerk for the court of general sessions of Kings county,' passed April 10, 1854."

Assembly, "An act for the relief of Rosa Abba Boughton and Addie E. Boughton."

Assembly, "An act to incorporate the French Emigration Society of New York."

Assembly, "An act in relation to the service of citations on lunatics and idiots."

Assembly, "An act to incorporate the Mechanics' and Traders' Exchange of the city of Brooklyn."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide means for the support of the Inebriates' Home for Kings county and the better government thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the examination, trial, and disposal of deaf and dumb persons accused of crime," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, the sum of four thousand four hundred and forty-six dollars and seventy-three cents, to pay the outstanding indebtedness of said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the morning session to-day be extended indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Rondout and Port Jervis Railroad Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize the Rondout and Oswego Railroad Company to extend its road and change its corporate name," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the special order set down for this day, being the Assembly bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," be now taken up.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the above named bill.

After some time spent therein, the President resumed the chair, and Mr. Perry, from said committee, reported progress on said named bill, and asked and obtained leave to sit again.

Mr. D. P. Wood moved that the further consideration of said bill be

made a special order for this evening immediately after the special order already set down for that time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That this Legislature adjourn *sine die* on Friday, May 10, 1872, at twelve o'clock, M., on that day.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the bill entitled "An act relating to the local government of the city of New York," with a message that they had passed the same, with the following amendments :

Section 12, line 20, engrossed bill, after the word "department," insert the words "or other officer."

Section 15, line 20, after the word "rules," insert the words "not inconsistent with the laws of the State."

Section 25, line 6, after the word "creditor," insert the following words : "and which are otherwise by law provided for ; but this power shall not be construed to permit the comptroller to dispute (otherwise than for fraud) the necessity or propriety of any expenditure incurred under the direction of any officer authorized to incur the same."

Same section, strike out all after the word "annum," in lines 13 and 14, down to the end of said section, and insert in lieu thereof the following words : "The power now given by law to appoint a fifth commissioner of taxes and assessments is hereby repealed. The salary of the remaining commissioners shall be six thousand dollars."

Section 26, line 26, strike out the word "two," and insert in lieu thereof the word "one."

Section 32, line 3, after the word "or," insert the words "less than."

Section 38, lines 1 and 2, strike out the word "such" where it occurs.

Same section, line 4, strike out the words "not exceeding one thousand dollars."

Add to section 43 the following words : "No appropriation or loan of public money or property, or lease of city lands, or loan of the credit of the city, shall be made, directly or indirectly, in aid of any private or sectarian or denominational school that is not under the control and management of the department of public instruction, and subject to the same general laws of the State as the public schools are."

Section 46, line 5, strike out the word "five," and insert in lieu thereof the word "three."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Lord	Lowery	Weismann	Woodin	4
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#### FOR THE NEGATIVE.

Allen	Cock	McGowan	Palmer	Winslow	
Benedict	Foster	Madden	Perry	D. P. Wood	
Bowen	Harrower	Murphy	Robertson	J. Wood	
Chatfield	Lewis	O'Brien	Tiemann		19

Mr. Palmer moved that a conference committee be appointed, and request a like committee to be appointed on the part of the Assembly.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Palmer, Murphy, and Woodin.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and have appointed a committee of conference thereon.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return, for amendment, Assembly bill No. 342, entitled "An act authorizing the formation of a separate road district in the town of Jay, county of Essex."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Governor was received and read, as follows :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 7, 1872. }

*To the Senate :*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith, for the purpose of amendment, Senate bill No. 136, entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	Winslow
Allen	Foster	Madden	Robertson	D. P. Wood
Benedict	Lewis	Murphy	Tiemann	J. Wood
Bowen	Lord	O'Brien	Weismann	Woodin
Chatfield	Lowery	Palmer		23

On motion of Mr. Weismann, and by unanimous consent, said bill was amended as follows :

Section 4, line 2, engrossed bill, strike out the word "April," and insert in lieu thereof the word "June."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Palmer	Winslow
Allen	Harrower	McGowan	Robertson	D. P. Wood
Benedict	Lewis	Madden	Tiemann	J. Wood
Cock	Lord	O'Brien	Weismann	Woodin
				24

## FOR THE NEGATIVE.

Chatfield

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The Assembly returned the bill entitled "An act to amend the charter of the United States Life Insurance Company in the city of New York," with a message that they had concurred in the passage of the same, with the following amendments:

Section 6, line 2, strike out the words "in the year," and insert in lieu thereof the words "eighteen hundred and seventy-three."

Same section, line 27, after the word "cent," insert the words "per annum."

Same section, line 29, after the word "cent," insert the words "per annum."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Winslow	
Allen	Foster	McGowan	Robertson	D. P. Wood	
Bowen	Harrower	Madden	Tiemann	J. Wood	
Chatfield	Lewis	O'Brien	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly sent for concurrence the bill entitled as follows:

"An act to amend an act entitled 'An act to authorize the formation, establishing, and maintaining of driving park and park associations,' passed April 17, 1872."

Mr. McGowan moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow
Allen	Harrower	McGowan	Robertson	D. P. Wood
Benedict	Lewis	O'Brien	Tiemann	J. Wood
Bowen	Lord	Palmer	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to change the name of the Utica and Mohawk Street Railroad Company to extend their track and regulate the fare thereon," with a message that they had passed the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. The Utica and Mohawk Street Railroad Company are hereby authorized to extend their route and lay their track, with all the necessary sidings and switches, curves and turnouts, and to operate their

horse railroad thereon from the present easterly termination of their railroad at the intersection of Bleecker street and Culver avenue, southerly in and along said avenue to South street; thence in and along South street to Steuben street; thence along Steuben street and the westerly side of Steuben park to Charlotte street, and thence along Charlotte street to intersect its present track in Bleecker street; and also in and along Mohawk street from South street to Bleecker street.

"§ 2. But the said company shall not lay any tracks on said streets or avenues until they shall have filed in the clerk's office of the city of Utica the written consent of the majority in number and value of the persons owning or representing the lands fronting on said proposed extended route, such valuation to be determined and fixed by reference to the last assessment rolls of said city of Utica. Nor shall said company lay any such tracks on said streets and avenues until it procures the consent of the common council of said city of Utica thereto.

"§ 3. The last clause of section two of chapter one hundred and forty, laws of eighteen hundred and fifty-four, shall not apply to this railroad.

"§ 4. This act shall take effect immediately."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Robertson	D. P. Wood	
Allen	Harrower	O'Brien	Tiemann	J. Wood	
Chatfield	Lewis	Palmer	Weismann	Woodin	
Cock	Lowery	Perry	Winslow		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the Utica, Ithaca, and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York railroad, and for other purposes," with a message that they had concurred in the passage of the same, with the following amendments:

Add, at the end of section 4, the following words: "Provided that, as to all extensions of road by this act authorized, the said company shall be subject to the provisions of chapter one hundred and forty of the laws of eighteen hundred and fifty, and the acts amendatory thereof."

Add, as section 6, the following:

"§ 6. This act shall take effect immediately."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow	
Allen	Harrower	McGowan	Robertson	D. P. Wood	
Chatfield	Lewis	O'Brien	Tiemann	J. Wood	
Cock	Lord	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read as follows:

IN ASSEMBLY, *May 6, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to incorporate the Port Richmond Savings Bank."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Judd, and by unanimous consent, the same was amended as follows:

Section 1, line 8, engrossed bill, after the word "Bank," insert the words "at Port Richmond, Richmond county."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Winslow
Allen	Harrower	McGowan	Robertson	D. P. Wood
Chatfield	Johnson	Murphy	Tiemann	J. Wood
Cock	Lewis	O'Brien	Weismann	Woodin
Dickinson				

21

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Weismann
Allen	Foster	Lowery	Perry	Winslow
Benedict	Harrower	McGowan	Robertson	J. Wood
Chatfield	Lewis	O'Brien	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *May 6, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Kingsland, and by unanimous consent, the same was amended as follows:

Substitute for section 3 the following:

"Section 3. It shall be the duty of the Inspectors of the State Prisons to exact a faithful performance of the duties required in this act, and any willful failure or neglect, on the part of said agents and wardens to comply with the provisions of the foregoing sections, shall be deemed a misdemeanor, and shall be punished by a fine of not less than five hundred dollars or imprisonment in the county jail for a term of not less than three nor more than six months, or both."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Winslow
Allen	Foster	Lowery	Perry	D. P. Wood
Benedict	Harrower	McGowan	Robertson	J. Wood
Bowen	Lewis	O'Brien	Weismann	Woodin
Chatfield				

21

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Bowen	Harrower	McGowan	Tiemann	J. Wood
Chatfield	Lewis	O'Brien	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

On motion of Mr. Perry, the Senate took a recess until half-past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Chatfield, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870; amended April 25, 1871; amended January 12, 1872; and to amend section 45 of chapter 719 of the Laws of 1871," with a message that they had passed the same, with the following amendments:

(*For reference, see engrossed bill.*)

Insert, as section 2, the following :

"§ 2. Section eighteen of title two of the said act is hereby amended so as to read as follows :

"§ 18. On the first Monday of January, or as soon thereafter as practicable, the common council shall, by ballot, appoint a city clerk, a commissioner of public buildings, clerk of the markets, three sealers of weights and measures, one or more pound keepers, sexton and keepers of public grounds; and may, by resolution or ballot, appoint such other agents and servants as shall be necessary."

Change numbers of sections "2 and 3" to "3 and 4."

Page 2, lines 7 and 8, strike out the words "one thousand," and insert in lieu thereof the words "fifteen hundred."

§ 4. Section three of title five of said act is hereby amended so as to read as follows :

“§ 3. The heads of the different departments, including the police department, and the city officers, including the overseer of the poor, shall, on or before the first day of March, deliver to the Comptroller a full and detailed estimate of the expenses and amount of money required in their respective offices for the fiscal year.”

Change number of section “ 4 ” to “ 5.”

§ 5. Title five of said act is hereby amended by adding the following as sections 28, 29, and 30 :

“§ 28. The treasurer of the county of Erie shall immediately, upon the passage of this act, present to the common council of the city of Buffalo a detailed statement of the amount of money appropriated and levied by the board of supervisors of the county of Erie for the temporary relief of the poor of the city of Buffalo for the year ending October first, one thousand eight hundred and seventy-two, including the amount appropriated and levied to pay outstanding liabilities of the poor department of the city of Buffalo for the preceding year, the amount of such moneys collected by him, the amount thereof paid out by him, the amount remaining in his hands, and the amount thereof still uncollected. He shall pay over to the treasurer of the city of Buffalo all such moneys remaining in the county treasury, and shall thereafter pay over to said city treasurer weekly all moneys belonging to said fund which he shall thereafter collect.

“§ 29. The board of supervisors of Erie county shall not hereafter appropriate or raise any money for the temporary relief of the poor of the city of Buffalo. All moneys appropriated and raised for such purpose within the city, and all moneys expended by the overseer of the poor, shall be estimated, appropriated, raised, and expended as a portion of the general fund, and expenditures thereof shall be ordered, audited, and paid in the same manner as all other charges upon the general fund.

“§ 30. The city of Buffalo shall pay all bills which have been legally contracted prior to the passage of this act, and which are a charge against the county of Erie for expenditures for the temporary relief of the poor in the city, and the common council may borrow upon the credit of the city a sufficient amount of money to defray the expense of the poor department of the city, until the estimates of the amount necessary to be raised by general tax for the year eighteen hundred and seventy-three shall be confirmed.”

Change section number “ 5 ” to “ 6.”

Insert, as section 7, the following :

“§ 7. Title six of said act is hereby amended by adding the following as section twenty two :

“§ 22. When any work or improvement shall be ordered by the common council the expense whereof shall exceed the sum of five thousand dollars, and is to be defrayed by moneys raised by local assessments, the several assessments contained in any roll made for the purpose of raising said money may be paid in three equal installments. The first of said installments shall be due and payable from and after the date of the first publication of the notice specified in section seventeen of this title ; the second in one year, and the third in two years from and after such first publication ; the second and third installments shall bear interest at the rate of seven per cent, commencing three months after the date of said first publication, until one month after they shall become due and paya-



ble; monthly additions of interest shall be made to each of said installments as provided in section seventeen of this title, commencing one month after said installment shall severally become due and payable. If the first or second of such installments shall remain unpaid after the same shall have become due and payable for two months prior to the first day of May in any year, the whole of the assessment remaining unpaid shall be due and payable, and the treasurer shall add to the whole of said assessment remaining unpaid the monthly additions of interest specified in section eighteen, commencing one month after the first publication of the notice specified in section seventeen, but no other interest or addition; and shall certify the same to the Comptroller in his abstract of unpaid assessments, as provided in section nineteen of this title; and the Comptroller shall proceed to collect the whole of said assessment and additions in the same manner as other assessments returned to him unpaid are collected. If the last installment alone shall remain unpaid for two months prior to the first day of May in any year after the same shall have become due and payable, the treasurer shall certify the amount of the same, with the monthly additions and other interest as provided in this section, to the Comptroller in his abstract of uncollected assessments, and the Comptroller shall collect said installments as other unpaid assessments are collected. The treasurer may receive the whole of any assessment, with accrued interest and additions, at any time before the same is returned to the Comptroller. Warrants drawn by direction of the common council in payment of any work or improvement, the assessment for which is payable in installments, shall be drawn payable by the city on a day certain for one-third of the amount of the expense of such work or improvement in one year from date; one-third in two years, and one-third in three years from date; such assessments shall bear interest at the rate of seven per cent after the three months from their dates. The treasurer may pay warrants, with accrued interest thereon, at any time before they shall become due, if there shall be funds in his hands arising from such assessments applicable to the payment thereof; but none of such warrants shall be paid until all those which, by their terms, are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior orders. The treasurer may, at any time when he shall have money in his hands applicable to the payment of such warrants, give notice, in the official paper, that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest upon such warrants shall cease from and after the day specified in such notice. If there shall not be sufficient money to the credit of the work or improvement for which the assessment is made to pay such warrant when the same shall become due, the Comptroller may borrow, on the credit of the city, a sufficient amount of money, which he shall deposit with the treasurer, to pay the same, and the money arising from said assessment shall, when collected, be applied to the payment of the amount so borrowed, and to no other purpose."

Change numbers of sections "6, 7, 8, 9, 10, 11, 12 and 13" to "8, 9, 10, 11, 12, 13, 14 and 15."

Page 5, insert, as section 16, the following:

"§ 16. Section twelve of title fifteen is hereby amended by adding, at the end of said section twelve, the following:

"The superintendent of education shall appoint a secretary, well versed in German as well as in the English language, who shall perform the

duties of his official clerk, and shall be his special assistant in superintending and directing the instruction in German in the public schools at Buffalo, under the ordinances of the city, and who shall have a salary at the rate of twelve hundred dollars per annum."

Change numbers of sections "14, 15, 16 and 17" to "17, 18, 19 and 20."

Mr. Lewis moved that the Senate non-concur in said amendments, and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Lewis, Adams, and Cock.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and have appointed a committee of conference thereon.

The Assembly sent for concurrence the following entitled bills:

"An act to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law, and to raise money therefor, by an issue of the bonds of the State, and to provide for submitting the question thereon to the people," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South bay,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to release the interest of the people of the State of New York in certain real estate to Alicia C. O'Brien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish and sweepings, and all dead animals, blood, offal and other refuse matter, and the contents of all sinks and privies, and all bones, fish not fit for human food, and all diseased, tainted and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of, and the cancellation of, existing contracts and arrangements in respect thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release to John Schafer the right, title, and interest of the people of the State of New York in and to certain real estate in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the New York Homœopathic Surgical Hospital in the city of New York," which was read the first time, and by unani-

mous consent was also read the second time, and referred to the committee on public health.

"An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871."

"An act in relation to the capital stock of corporations."

*Ordered*, That the Clerk return said bills to the Assembly.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting the return, for amendment, of Assembly bill No. 837, entitled "An act for the relief of the Standard Life Insurance Company."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting the return, for amendment, of Assembly bill No. 850, entitled "An act in relation to the publication of notices and citations."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Lewis, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the care and maintenance by the Canal Commissioners of certain bridges over a portion of the Black river used for canal purposes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis, from the committee on canals, to which was referred the Assembly bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the commissioner of jurors in the city and county of New York," reported in favor of the passage of the same.

On motion of Mr. Weismann, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Johnson	McGowan	Weismann	
Baker	Dickinson	Lewis	Perry	Winslow	
Bowen	Foster	Lord	Tiemann	D. P. Wood	
Chatfield	Harrower	Lowery	Wagner	Woodin	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Woodin, and by unanimous consent, the rule was suspended, and the Assembly bill, entitled "An act to amend an act entitled 'An act respecting elections other than for militia and town officers,' passed April 5, 1842," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Winslow	
Baker	Foster	Lord	Tiemann	D. P. Wood	
Bowen	Harrower	Lowery	Wagner	J. Wood	
Chatfield	Johnson	McGowan	Weismann	Woodin	
Cock					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Bowen, from the committee on public printing, to which was referred the resolution relative to printing extra copies of the annual report of the Astor Library, reported in favor of the adoption of the following resolution:

*Resolved*, That four hundred copies of the annual report of the Trustees of the Astor Library be printed for the use of the trustees.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee on public printing, to which was referred the resolution relative to printing extra copies of the report of the Commissioners of Fisheries, reported in favor of the adoption of the following resolution:

*Resolved*, That one thousand copies of the report of the Commissioners of Fisheries be printed for the use of the commissioners; but the whole number printed under this or a former resolution of the Senate shall not exceed one thousand copies for said commissioners.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State."

After some time spent therein the President resumed the chair, and

Mr. Winslow, from said committee, reported in favor of the passage of said named bill, with amendments.

Mr. Lewis moved to amend said bill as follows :

Strike out the following lines :

"For construction of a lock and side-cut at Wilber's basin, on the Champlain canal, the sum of ten thousand dollars, or so much thereof as may be necessary, in addition to the amount heretofore appropriated by chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy, for constructing an aqueduct at the same place, which appropriation is hereby reappropriated and applied to the construction of this lock. Any expenditure in excess of the above amounts to be taken from funds used for ordinary repairs on the eastern division of the canals."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Graham	Lowery	Robertson	D. P. Wood	
Bowen	Johnson	Madden	Tiemann	J. Wood	
Chatfield	Lewis	Perry			13

FOR THE NEGATIVE.

Adams	Dickinson	McGowan	Wagner	Winslow	
Baker	Foster	Murphy	Weismann	Woodin	
Benedict	Lord	O'Brien			13

The President then put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Lewis moved to reconsider the vote by which the amendment offered by him was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Johnson	McGowan	Perry	D. P. Wood	
Bowen	Lewis	Madden	Robertson	J. Wood	
Graham	Lowery	Palmer	Tiemann	Woodin	
Harrower					16

FOR THE NEGATIVE.

Adams	Chatfield	Foster	Murphy	Wagner	
Baker	Dickinson	Lord	O'Brien	Weismann	
Benedict					11

The President then put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Allen	Harrower	Lowery	Robertson	J. Wood	
Bowen	Johnson	Madden	Tiemann	Woodin	
Graham	Lewis	Perry	D. P. Wood		14

FOR THE NEGATIVE.

Adams	Chatfield	Lord	O'Brien	Weismann	
Baker	Dickinson	McGowan	Palmer	Winslow	
Benedict	Foster	Murphy	Wagner		14

Mr. Foster moved to amend by reinstating the clause appropriating fifty thousand dollars for the completion of the Oneida Lake canal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Johnson	O'Brien	Wagner	D. P. Wood
Baker	Lord	Palmer	Weismann	J. Wood
Benedict	McGowan	Perry	Winslow	Woodin
Foster				16

FOR THE NEGATIVE.

Allen	Dickinson	Lewis	Madden	Robertson
Bowen	Graham	Lowery	Murphy	Tiemann
Chatfield	Harrower			12

Mr. Lewis moved that said bill be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Baker	Dickinson	Lord	Tiemann	D. P. Wood
Benedict	Foster	Lowery	Wagner	J. Wood
Bowen	Harrower	McGowan	Weismann	Woodin
Chatfield	Johnson	Palmer		23

FOR THE NEGATIVE.

Madden	O'Brien			2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Winslow moved to take from the table the vote by which the bill entitled "An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein of intoxicating liquors shall be prohibited, and to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Robertson	D. P. Wood
Allen	Chatfield	Lowery	Wagner	J. Wood
Baker	Dickinson	McGowan	Weismann	Woodin
Benedict	Foster	Palmer	Winslow	19

FOR THE NEGATIVE.

Cock	Lewis	Madden	O'Brien	Tiemann
Johnson	Lord	Murphy	Perry	9

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Robertson	D. P. Wood
Allen	Chatfield	McGowan	Wagner	J. Wood
Baker	Dickinson	Palmer	Winslow	Woodin
Benedict	Foster			

17

## FOR THE NEGATIVE.

Cock	Lord	Madden	O'Brien	Tiemann
Johnson	Lowery	Murphy	Perry	Weismann
Lewis				

11

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The committee of conference appointed on matters in difference between the two Houses relative to the bill entitled "An act dividing the State into congressional districts," reported that they had met and deliberated thereon, and that they were unable to agree.

C. H. ADAMS,  
TOWNSEND D. COCK,  
N. WINSLOW,  
*Senate Committee.*

JAMES W. HUSTED,  
AUGUSTUS HILL,  
S. SPRINGSTED,  
R. LOUGHRAN,  
DANIEL G. FORT,  
*Assembly Committee.*

Mr. McGowan moved that the Senate concur in the amendments of the Assembly thereto.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative; a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Foster	McGowan	Perry	Winslow
Bowen	Harrower	Madden	Wagner	D. P. Wood
Chatfield	Lewis	Murphy	Weismann	J. Wood
Dickinson	Lowery			

17

## FOR THE NEGATIVE.

Adams	Cock	Lord	Palmer	Tiemann
Baker	Johnson	O'Brien	Robertson	Woodin

10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. D. P. Wood moved that the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," be made the special order for to-morrow morning at eleven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

"An act to provide for the collection of the expenses of constructing certain sewers in the city of Brooklyn, and confirm the construction of such sewers."

"An act making provision for the support of the Albany City Dispensary."

"An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations."

"An act to regulate processions and parades in the cities of the State of New York."

"An act to authorize the Brooklyn Improvement Company to issue preferred and special stock."

"An act for the preservation of fish in the waters of Steele's creek and McGowan's creek, in the county of Herkimer."

"An act to amend an act entitled 'An act to prevent the furtive possession and use of slung-shot and other dangerous weapons,' passed April 20, 1866."

"An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other railroads, and the action of said railroads heretofore had relating to the consolidation thereof."

"An act to amend the charter of the New York Deposit Company of the city of New York."

"An act relating to lands in the city of New York devised by Francis Wiener, deceased."

"An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State."

"An act to authorize the appointment of assistant district attorneys in certain counties in this State."

"An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

"An act for the better preservation of horse records."

"An act to amend the charter of the United States Life Insurance Company in the city of New York."

"An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' passed May 17, 1869."

"An act to authorize the Utica, Ithaca and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York railroad, and for other purposes."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Madden moved that when the Senate adjourn to-night it adjourn to meet to-morrow at ten o'clock, A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend certain provisions of law relating to wharves, piers, and bulk-heads in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county for the year 1872, may be fixed, set apart, and apportioned, and provide further regulations in respect thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the improvement of the Eighth avenue in the city of New York," reported in favor

of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from a majority of the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for reopening West avenue in Long Island City, Queens county, and to repeal section 5 of an act entitled 'An act to lay out, construct, and maintain a public road from the foot of East Second street, in Long Island City, to D street, in Blissville, Queens county, and to close certain streets in Long Island City, Queens county,' passed May 1, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Perry, the Senate adjourned.

### WEDNESDAY, MAY 8, 1872.

The Senate met pursuant to adjournment.

No clergyman present.

On motion of Mr. Bowen, the reading of the journal of yesterday was dispensed with.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, as amended:

"An act to regulate the practice of pharmacy and sale of poisons in the city and county of New York."

"An act dividing the State into congressional districts."

"An act authorizing the appointment of attendants and messengers of the supreme court in the county of Kings."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act authorizing the appointment of attendants and messengers of the supreme court in the county of Kings," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, after the word "the," strike out the words "justice of the supreme court residing in," and insert in lieu thereof the words "sheriff of."

Same section, line 2, strike out the word "are," and insert in lieu thereof the word "is."

Same section, line 3, strike out the word "eleven," and insert in lieu thereof the word "eight."

Section 2, line 2, strike out the word "three," and insert in lieu thereof the word "four."

Mr. Perry moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	Murphy	Tiemann	J. Wood
Chatfield	Harrower	O'Brien	Wagner	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act relating to the local government of the city of New York," with a message that they had consented to a committee of conference thereon, and appointed as such committee, on the part of the Assembly, Messrs. Judd, Eastman, Kennedy, Alvord, and Paige.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That George W. Miller be, and is hereby removed from the office of Superintendent of the Insurance Department, in pursuance of the provisions of chapter 335 of the Laws of 1867.

*Ordered*, That said resolution be laid upon the table.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New Paltz Savings Bank,' passed March 22, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Graham	McGowan	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the Rondout and Oswego Railroad Company to extend its road and change its corporate name," having been announced for a third reading,

On motion of Mr. Madden, and by unanimous consent, was amended as follows :

Add, at the end of section 1, the following :

"Provided that nothing herein contained shall affect any action, suit, or proceeding now pending in regard to said Rondout and Oswego railroad."

Add, at the end of section 2, the following :

"Providing the consent, in writing, of the stockholders holding or owing a majority of the stock of said company first be had or obtained."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Robertson	Winslow
Allen	Graham	Murphy	Tiemann	D. P. Wood
Baker	Harrower	O'Brien	Wagner	J. Wood
Bowen	Lewis	Palmer	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to extend the time for the completion of the Rondout and Port Jervis Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lord	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin
Chatfield	Lewis	O'Brien	Weismann	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

By unanimous consent, Mr. Lewis asked and obtained leave to introduce a bill entitled "An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of town commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages."

On motion of Mr. Lewis, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	Wagner
Allen	Cock	Harrower	O'Brien	Weismann
Baker	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	Lord	Tiemann	Woodin
Bowen				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Lowery moved that the bill entitled "An act relative to school moneys in the city of Rome," be recommitted to the committee on literature.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

“An act to amend section 10 of chapter 739 of the Laws of 1857, entitled ‘An act to authorize the formation of town insurance companies,’ passed April 17, 1857.”

“An act to authorize the Patriot Orphan Home, in the town of Flushing, to convey certain real estate.”

“An act in relation to commissioner of jurors in the city and county of New York.”

“An act to amend an act entitled ‘An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,’ passed April 28, 1870.”

“An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of town commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers’ wages.”

The Assembly bill entitled “An act to amend chapter 195 of the Laws of 1846, entitled ‘An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,’ passed May 11, 1846,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Johnson	Murphy	Perry	Weismann
Benedict	Lewis	O'Brien	Robertson	D. P. Wood
Cock	Lowery	Palmer	Tiemann	Woodin
Harrower				16

FOR THE NEGATIVE.

Allen	Chatfield	Graham	Madden	Winslow
Baker	Dickinson	Lord	Wagner	J. Wood
Bowen	Foster	McGowan		18

Mr. Robertson moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The bill entitled “An act in relation to academies and union schools, and the distribution of public funds,” was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Perry	Weismann
Baker	Foster	Madden	Robertson	D. P. Wood
Benedict	Graham	O'Brien	Tiemann	J. Wood
Bowen	Harrower	Palmer	Wagner	Woodin
Chatfield				21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled “An act to establish a board of health in and for the city of Brooklyn and county of Kings,” with a



message that they had concurred in the passage of the same, with the following amendment :

In section 3, lines 2 and 3, after the word "the," strike out the words "county judge of the county of Kings," and insert in lieu thereof the words "surrogate of the county of Kings."

Mr. Perry moved that the Senate non-concur in said amendment, and that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Perry, Murphy, and Tiemann.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendment, and have appointed a committee of conference thereon.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Murphy, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Robertson	Winslow
Baker	Foster	Murphy	Tiemann	D. P. Wood
Bowen	Graham	Palmer	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin
Cock	Lowery			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the bill entitled "An act to amend an act entitled 'An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants,' passed February 10, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for a commission to propose amendments to the Constitution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to perfect an amendment to the Constitution relative to the court of appeals, and for the extension of the service of the commissioners of appeals," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend 'An act to secure

to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' passed April 13, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide building sites for life-saving stations on the coast of Long Island, State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 1 of chapter 438 of the Laws of 1872, being an act entitled 'An act relating to courts of record and other courts in the city and county of New York,' passed April 29, 1872," reported that they have had the same under consideration, and asked to be discharged from the further consideration of the same, and that said bill be referred to the committee on the affairs of cities; which report was agreed to.

The bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," having been announced for a third reading,

On motion of Mr. Perry, and by unanimous consent, was amended as follows:

Strike out all after the enacting clause, and insert as follows:

"SECTION 1. The owners in fee of the property located in the first ward of the city of Brooklyn, and designated on the ward map number one of the first ward of the city of Brooklyn as lot number five, are hereby authorized to repair and build a wharf and pier in front of and belonging to said lot, and to extend the same to the bulk-head and pier lines as now established by law, such extension to be not exceeding thirty feet in width, and to be inside on the north line of the said property extended in a straight line to said pier line.

"§ 2. This act shall take effect immediately."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	D. P. Wood
Allen	Foster	Lowery	Perry	J. Wood
Chatfield	Graham	McGowan	Robertson	Woodin
Cock	Harrower	O'Brien	Winslow	19

#### FOR THE NEGATIVE.

Benedict	Tiemann	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend 'An act to provide for the incorporation of religious societies,' passed April 5, 1813," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Robertson	Winslow
Allen	Johnson	O'Brien	Tiemann	J. Wood
Benedict	Lowery	Palmer	Wagner	Woodin
Chatfield	McGowan	Perry	Weismann	19

## FOR THE NEGATIVE.

Bowen	Lewis	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act for the laying out, opening, and closing of streets, roads, and avenues in the town of Morrisania," passed May 19, 1868," having been announced for a third reading,

On motion of Mr. Robertson, and by unanimous consent, was amended as follows :

Add, as section 2, the following :

"§ 2. Whenever any street, road, or avenue in said town shall be hereafter laid out and opened, the same shall be laid out and opened as laid down upon said map, and according to the grade established by the same; and no assessment for opening any such strteet, road, or avenue shall be valid, unless such opening be in accordance with said map, and the grade established thereby."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Perry	Weismann
Allen	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	Madden	Tiemann	J. Wood
Chatfield	Lewis	O'Brien	Wagner	Woodin
Dickinson	Lord	Palmer		28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglas, and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868," having been announced for a third reading,

On motion of Mr..Murphy, and by unanimous consent, was amended as follows :

Section 2, line 11, insert, after the word "collected," the words "with interest from the confirmation of the report of the said commissioners of assessment thereupon."

Same section, line 14, strike out all after the words "successive years," and insert in lieu thereof the words "after the confirmation of the said report."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Murphy	Wagner	Woodin
Chatfield	Lewis	O'Brien		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the College of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Madden	Perry	Weismann
Allen	Graham	Murphy	Robertson	Winslow
Chatfield	Lewis	O'Brien	Tiemann	J. Wood
Cock	Lord	Palmer	Wagner	Woodin
Dickinson	McGowan			

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to supply the village of Warren, in the county of Rockland, with pure and wholesome water," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members, being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield	Johnson	Perry		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate a seminary of education under the name of the Tracy Female Institute,' passed April 17, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	Murphy	Weismann	Woodin
Bowen	Graham	O'Brien		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to plank-roads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Robertson	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Graham	O'Brien	Weismann	Woodin
Bowen	Harrower	Perry		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the German-American Mutual Warehousing and Security Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Palmer	Weismann
Baker	Graham	McGowan	Perry	Winslow
Benedict	Harrower	Madden	Robertson	J. Wood
Chatfield	Lewis	O'Brien	Wagner	Woodin
Dickinson	Lord			

24

## FOR THE NEGATIVE.

Tiemann

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Patriot Orphan Home, in the town of Flushing, to convey certain real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Wagner
Benedict	Foster	Lowery	Perry	Weismann
Chatfield	Graham	McGowan	Robertson	J. Wood
Cock	Lewis	O'Brien	Tiemann	Woodin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Perry	Winslow
Baker	Foster	McGowan	Robertson	D. P. Wood
Benedict	Graham	Madden	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Weismann	Woodin
Chatfield	Lord	Palmer		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Pratt and Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	Madden	Wagner	J. Wood
Chatfield	Lewis	O'Brien	Weismann	Woodin
Cock	Lord	Perry		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act creating a board of commissioners of emigration, and conferring therein certain powers and duties," having been announced for a third reading,

Mr. Tiemann moved that the same be recommitted to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Johnson	Lord	Murphy	O'Brien	Tiemann
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5

FOR THE NEGATIVE.

Benedict	Foster	Lewis	Perry	Winslow
Bowen	Graham	Lowery	Robertson	D. P. Wood
Chatfield	Harrower	Palmer	Weismann	Woodin
Dickinson				

16

Mr. Tiemann moved to recommit said bill to the committee on commerce and navigation, with instructions to strike out the name of "Wigner H. Townsend," and insert in lieu thereof the name of "Alexander H. Stewart."

The President then put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Lord	Tiemann
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2

FOR THE NEGATIVE.

Adams	Chatfield	Lewis	Palmer	Winslow
Allen	Dickinson	McGowan	Perry	D. P. Wood
Baker	Foster	Madden	Robertson	J. Wood
Benedict	Graham	O'Brien	Weismann	Woodin
Bowen	Harrower			

22

Mr. Tiemann moved to recommit said bill to the committee on commerce and navigation, with instructions to insert the name of "Cody Aufenger."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :



## FOR THE AFFIRMATIVE.

Johnson	Lord	Murphy	O'Brien	Tiemann	5
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## FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Perry	Winslow	
Allen	Dickinson	McGowan	Robertson	D. P. Wood	
Baker	Graham	Madden	Wagner	J. Wood	
Benedict	Lewis	Palmer	Weismann	Woodin	
Bowen					21

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	D. P. Wood	
Baker	Foster	McGowan	Wagner	J. Wood	
Benedict	Graham	Palmer	Weismann	Woodin	
Bowen	Lewis	Perry	Winslow		19

## FOR THE NEGATIVE.

Johnson	Lord	Murphy	O'Brien	Tiemann	5
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. D. P. Wood moved that the present order of business be suspended, and that the special order for the day be taken up.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

And after some time spent therein, the hour of two o'clock having arrived, the President resumed the chair, and on motion of Mr. Winslow, the Senate adjourned.

THURSDAY, MAY 9, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Clark.

The reading of the journal of yesterday was dispensed with.

Mr. Woodin offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor requesting the return, for amendment, of Senate bill, being "An act relating to the Pacific Mail Steamship Company, authorizing the reduction of its capital stock, and prescribing the qualification of directors."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Benedict offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return to the Senate, for amendment, of Senate bill entitled "An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

On motion of Mr. Wagner, and by unanimous consent, the rule was suspended, and the Assembly bill No. 645, entitled "An act to reimburse the commissioners named in chapter 653 of Laws of 1869 for moneys expended by them in the discharge of their trust conferred by the provisions of said act," was recommitted to the committee on finance, with power to report complete.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting him to return to this House, for amendment, Assembly bill No. 680, entitled "An act establishing a special road district in Franklin county."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting him to return, for amendment, Assembly bill No. 377, entitled "An act to incorporate the Rochester Savings Bank Trust Company."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cock offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor asking the return, for amendment, of Senate bill No. 478, entitled "An act to establish the St. Paul's Church at Rome, Italy, by a board of trustees in New York city."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

The Assembly sent for concurrence the following entitled bills:

"An act to provide means to pay the canal and general fund deficiencies directed to be paid by the act chapter — of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide ways and means for the support of government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to confirm the election of game constable in the several towns of Lewis county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the New York State Loan and Trust Company,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district No. 3 in the town of Dannemora," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for the payment of the expenses pursuant to chapter 928 of Laws of 1871, entitled 'An act in relation to the laying out, opening, and constructing of a public highway in the town of Hempstead, Queens county,' passed May 23, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for increased penalties for riding or driving any animal or animals across the bridges over the streams in the town of Ellisburgh, in the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act to incorporate the city of Elmira,' passed April 7, 1864, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to establish the Seventh ward in the city of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act authorizing the trustees of the village of Tonawanda to raise money by tax to pay the indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend chapter 110 of the Laws of 1871, entitled 'An act to amend an act entitled An act in relation to the fees of county treasurers,' passed May 11, 1846, passed March 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the clerks and attachees of the board of supervisors of the county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide for a commission to propose amendments to the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend section 2 of chapter 203 of Laws of 1863 relating to the village of Niagara City, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act repealing the act entitled 'An act for the appointment of commissioners of records for the city and county of New York,' passed April 13, 1855, and providing for the sale and disposition of the indices, records, documents, and property held by said commissioners under said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to release the interest of the people of the State of New York in the real estate of which William Long, late of Minerva, Essex county, died seized to Isaac Hagen," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the trustees of the Quincy Rural Cemetery Association, in the town of Ripley, county of Chautauqua, to purchase additional lands to enlarge their burying-grounds on lot No. 14 of Holland Land Company's survey near the village of Quincy, to plat and lay the same out into lots, and to regulate the price thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Quincy Rural Cemetery Association in the town of Ripley and county of Chautauqua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the city of Brooklyn to borrow money and to levy and collect a tax for the repayment of the same to cover expenditures made by the authorities of said city during the year 1871, and to provide for certain extraordinary expenses in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act relative to loans held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descend-

ants,' passed February 10, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York," with a message that they had passed the same, with the following amendments:

*(For reference, see engrossed bill.)*

Insert, as section 4, the following:

"§ 4. The tunnel and railway hereby authorized to be constructed and enjoyed by said corporation shall follow, as nearly as possible, the line of the streets, avenues, courses, and places named as follows: Commencing at a point in the City Hall park on the easterly side of Broadway, between the terminus of the New York Central Underground railway and the land of the United States upon which the new post-office is now being erected, and running from thence, underground, curving across the City Hall park to a point near the southeasterly corner of the Hall of Records to Chatham or Centre streets; thence northerly through Centre street, curving easterly to Park street, formerly called Cross street; thence easterly through Park street, underground, or northerly or southerly of said Park street through the blocks by an open cut to Mott street; thence, underground, across Mott street, and curving northeasterly through the intervening blocks and across the intervening streets to the Bowery, at or near its intersection with Bayard street; thence northerly, underground, through the Bowery until it intersects the Third avenue; thence northerly through the public square between the Third and Fourth avenues south of Seventh street to the Fourth avenue; thence northerly, underground, through the easterly half of Fourth avenue to Fourteenth street; thence northerly, under the Fourth avenue, to a point between Fifty-ninth and Forty-eighth streets. The said corporation may make, on the route aforesaid, the necessary connections, turnouts, switches, and other conveniences for the proper working and accommodations of said railway, and may make connection with the New York and Harlem railroad between Forty-eighth and Fifty-ninth streets. The said company may also construct and use a branch from the said main line, at or near the junction of the said tunnel, with the New York and Harlem railroad, underground, through one of the streets between Forty-eighth and Fifty-ninth streets to the track of the New York Central and Hudson River Railroad Company. The said branch shall be completed in seven years; and, in case it shall not be so completed, the failure shall not effect other privileges, powers, and rights hereby granted and conferred. The construction of the said tunnel or railway between the southerly end thereof in Broadway and the connection thereof with the New York and Harlem railroad shall be commenced within six months, and shall be continuously prosecuted to a completion, without unnecessary delay, within three years thereafter; any time during which the commencement or construction of the said tunnel or railway shall be enjoined or delayed by suits or actions in any court or courts shall be deducted from the said limitation. There shall be no open cut or cuts in any street or avenue on the completion of the said tunnel or railway. If the width of any street or avenue along the route of the said railway or tunnel shall be deemed by said company inadequate for the construction of a railway or tunnel sufficient to accommodate public travel, they are hereby authorized to acquire title to and



hold such adjacent real estate as shall be necessary for that purpose in the manner provided in the next section. The said corporation hereby created are authorized, during the construction of the tunnel and railway, to change temporarily the location of railroad tracks occupying the line of construction to be used by this company to other convenient places through the same or adjoining streets, avenues, or places to be restored at the earliest practicable moment."

Section 5, line 15, strike out the words " or any superstructure thereon."

Same section, line 21, strike out the word "to."

Same section, line 37, strike out all after the word "stations."

Section 6, line 8, make the word "operations" read "operation."

Mr. Tiemann moved to lay the amendments upon the table, and that the same be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Lewis	McGowan	Tiemann	Weismann	5
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FOR THE NEGATIVE.

Allen	Chatfield	Graham	O'Brien	Winslow	
Baker	Cock	Madden	Robertson	J. Wood	
Bowen	Foster	Murphy	Wagner	Woodin	15

The President then put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	O'Brien	Winslow	
Baker	Dickinson	Lewis	Robertson	D. P. Wood	
Bowen	Foster	Madden	Wagner	J. Wood	
Chatfield	Graham	Murphy	Weismann	Woodin	20

FOR THE NEGATIVE.

Adams	Benedict	McGowan	Tiemann	4
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the Constitution," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause, and insert the following :

"SECTION 1. Pursuant to the fifteenth section of the amended sixth article of the Constitution, the annual salaries of county judges and surrogates, in the several counties of this State, except in the county of New York, from and after the first day of January, in the year one thousand eight hundred and seventy-two, are hereby established as follows, namely :

"The salary of the county judge of the county of Kings is hereby fixed at the sum of eight thousand dollars.

"The salaries of the county judges of the counties of Albany and Westchester are hereby fixed at the sum of four thousand five hundred dollars each.



"The salary of the county judge of the county of Erie and Rensselaer is hereby fixed at the sum of five thousand dollars.

"The salaries of the county judges of the counties of Onondaga, Oneida, and Monroe are hereby fixed at the sum of four thousand dollars each.

"The salaries of the county judges of the counties of Otsego, Saratoga, Ulster, Dutchess, Orange, Clinton, Columbia, and Washington are hereby fixed at the sum of three thousand dollars each.

"The salaries of the county judges of the counties of Niagara, Jefferson, and Queens are hereby fixed at the sum of two thousand five hundred dollars each.

"The salaries of the county judges of the counties of St. Lawrence, Oswego, Cayuga, and Ontario are hereby fixed at the sum of two thousand dollars each.

"The salary of the county judge of the county of Chautauqua is hereby fixed at the sum of one thousand six hundred dollars.

"The salary of the county judge of the county of Cattaraugus is hereby fixed at the sum of one thousand five hundred dollars.

"§ 2. The salary of the surrogate of the county of Kings is hereby fixed at the sum of eight thousand dollars.

"The salaries of the surrogates of the counties of Albany, Monroe, and Rensselaer are hereby fixed at the sum of four thousand dollars each.

"The salary of the surrogate of the county of Onondaga is hereby fixed at the sum of three thousand five hundred dollars.

"The salaries of the surrogates of the counties of Queens, Dutchess, Ulster, Orange, Oneida, Westchester, and Columbia are hereby fixed at the sum of three thousand dollars each.

"The salaries of the surrogates of the counties of Otsego, Jefferson, Saratoga, and Washington are hereby fixed at the sum of two thousand five hundred dollars each.

"The salaries of the surrogates of the counties of Niagara, Cayuga, St. Lawrence, and Oswego are hereby fixed at the sum of two thousand dollars each.

"The salary of the surrogate of the county of Chautauqua is hereby fixed at the sum of one thousand six hundred dollars.

"The salaries of the surrogates of the counties of Cattaraugus and Ontario are hereby fixed at the sum of one thousand five hundred dollars each.

"The salary of the surrogate of the county of Erie is hereby fixed at the sum of four thousand five hundred dollars.

"The salary of the surrogate of the county of New York shall be the same as that of the judges of the court of common pleas of the city and county of New York.

"§ 3. The salaries of the county judges who perform the duties of the office of surrogate are hereby fixed in the counties named and at the sums stated, as follows:

"In the counties of Warren, Franklin, Schenectady, Wayne, Rockland, Lewis, and Seneca, two thousand dollars each.

"In the counties of Chenango, Madison, Delaware, Greene, Herkimer, Livingston, Montgomery, Chemung, and Broome, three thousand dollars each.

"In the counties of Steuben and Richmond, three thousand five hundred dollars.

"In the counties of Schoharie, Cortland, Sullivan, Genesee, Essex,

Orleans, Tioga, Tompkins, Wyoming, Suffolk, and Fulton, two thousand five hundred dollars each.

"In the county of Putnam, one thousand dollars, and in the counties of Yates and Schuyler, one thousand five hundred dollars each.

"In the county of Allegany, two thousand seven hundred and fifty dollars.

"In the county of Hamilton, eight hundred dollars."

"Whenever in any county where there is now a separate county judge and surrogate the supervisors shall decide to have but one officer to act as county judge and surrogate, the salary of such officer shall be five hundred dollars less than the aggregate salary herein allowed to the county judge and surrogate of such county.

"§ 4. The salaries of the several county judges and surrogates, as hereby established, shall be paid quarterly by the county treasurers of the respective counties.

"§ 5. Whenever the county judge of one county shall hold the county court, or preside at the court of sessions of any other county, he shall be paid the sum of five dollars per day for his expenses in going to and from, and holding or presiding at any such court, which shall be paid by the county treasurer of such other county on the presentation to him of the certificate of the clerk of such court of the number of days.

"§ 6. No board of supervisors shall audit, and no county treasurer shall pay any bill, claim, or account for office rent or other office expenses of any county judge or surrogate, except for blank books, blanks, and stationery, whether such bill, claim, or account be in the name of such county judge or surrogate, or in the name of any other person or persons, and no county judge shall receive to his use any fees or perquisites of office or other compensation than that allowed by this act.

"§ 7. Section three of chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy is hereby repealed.

"§ 8. This act shall take effect immediately."

Mr. Murphy moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Utica,' passed February 28, 1862, passed February 25, 1870," with a message that they had passed the same, with the following amendments:

Add, in section 35, the following as subdivision 35 :

"To appoint a superintendent of public parks, and to enact such ordinances, rules, and regulations as may be necessary for the improvement, care, and preservation of the same."

Add, to section 47, the following :

"The common council shall also have power to raise by tax upon the real and personal property in the city liable to taxation such sum as shall be determined by the common council to be necessary to defray the expense of improving, keeping, and maintaining in good condition the public parks of the city, including the salary of the superintendent thereof; which sum so raised shall be in addition to the taxes in this section above provided for, and shall be collected therewith, and all moneys raised for this purpose shall be kept by the treasurer as a sepa-

rate fund, and shall be drawn from the treasury only by order specifying that the same are drawn for the purpose for which they are raised.

"§ . This act shall take effect immediately."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	O'Brien	Winslow	
Allen	Cock	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Lowery	Tiemann	J. Wood	
Bowen	Foster	McGowan	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to compensate Wm. S. Copland for services rendered in examining and making copies of certain accounts of the county of New York," with a message that they had concurred in the passage of the same, with the following amendment :

Add, at the end of section 1, the following :

"Provided said comptroller shall find the work was necessary to be done, and the charges for the same are fair and reasonable."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Perry	Wagner
Allen	Cock	McGowan	Robertson	Weismann
Baker	Dickinson	O'Brien	Tiemann	Winslow
Benedict	Foster			

17

FOR THE NEGATIVE.

Chatfield	Lowery	J. Wood	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

A message from the Assembly was received and read as follows :

IN ASSEMBLY, *May 8, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act in relation to the publication of notices and citations."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Kennedy, and by unanimous consent, the same was amended as follows :

Section 1, lines 6 and 7, engrossed bill, strike out the words "instead of the State paper."

Line 7, after the word "therein," strike out the words "and if not then," and insert in lieu thereof the words "as well as."

Lines 8 and 9, strike out all of the section after the word "paper" where it occurs in line 8.

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote on said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lord	Murphy	Weismann
Baker	Graham	Lowery	Robertson	Winslow
Benedict	Johnson	McGowan	Tiemann	D. P. Wood
Chatfield	Lewis	Madden	Wagner	Woodin
Cock				

21

## FOR THE NEGATIVE.

J. Wood

1

Mr. Adams moved to recommit said bill to the committee on the judiciary, with instructions to amend as follows :

Section 1, line 2, printed bill, strike out the words "shall hereafter," and insert in lieu thereof the words "may in the discretion of the surrogate issuing the same."

Same section, line 4, strike out the words "instead of the State paper."

Mr. Madden moved to amend so that "the surrogates may, in their discretion, publish the notices in the State paper."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Harrower	McGowan	Weismann
Baker	Foster	Lewis	Madden	D. P. Wood
Bowen	Graham	Lowery	Robertson	J. Wood
Chatfield				

16

## FOR THE NEGATIVE.

Adams	Cock	Murphy	Perry	Wagner
Benedict	Lord	O'Brien	Tiemann	Winslow

10

Mr. Woodin moved that said bill be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements, with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 13, strike out the word "of," and insert in lieu thereof the words "two hundred thousand."

Same section, same line, after the word "time," strike out all the rest of the section.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Perry	Weismann
Baker	Foster	Madden	Robertson	Winslow
Chatfield	Graham	Murphy	Tiemann	J. Wood
Cock	Lowery	O'Brien	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *May 8, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act authorizing the formation of a separate road district in the county of Essex."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Tobey, and by unanimous consent, the same was amended as follows :

Section 1, line 4, strike out the word "seven," and insert in lieu thereof the word "one."

Amend the title by striking out the words "town of Jay."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin
Chatfield	Harrower	O'Brien		

23

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Weismann
Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *May 8, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act for the relief of the Standard Life Insurance Company."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Twombly, and by unanimous consent, the same was amended as follows :

Add, at the end of section 2, the words as follows : "and with the provisions of section nineteen of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Winslow
Baker	Graham	Lowery	Robertson	D. P. Wood
Benedict	Harrower	McGowan	Tiemann	J. Wood
Bowen	Johnson	O'Brien	Weismann	Woodin
Cock				

21

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	D. P. Wood
Allen	Dickinson	Murphy	Robertson	J. Wood
Baker	Foster	O'Brien	Weismann	Woodin
Chatfield	Graham	Palmer	Winslow	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act creating a Board of Commissioners of Emigration and conferring therein certain powers and duties," with a message that they had non concurred in the amendments of the Senate thereto, and have appointed a committee of conference thereon, consisting of Messrs. Husted, Mackay, Judd, Geib, and Campbell, and request a like committee on the part of the Senate.

Mr. Perry moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Perry, Allen, and Johnson.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Wilna, in the county of Jefferson, to vote by districts for town officers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on literature, to which was referred the Assembly bill entitled "An act to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district No. 3 in the town of Dannemora," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to certain suits and proceedings by and against the late Metropolitan fire department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Weismann, from the committee on public health, to which was referred the Assembly bill entitled "An act to incorporate the New York Homœopathic Surgical Hospital in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The committee of conference upon the matters in difference between the Senate and Assembly upon the bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868," recommend that the Assembly concur in the amendment of the Senate thereto, and that the two Houses concur in an amendment to perfect the bill by inserting, after the words "each and every year," in section 1, the words "commencing with the year 1873."

HENRY C. MURPHY,  
W. H. ROBERTSON,  
JAMES WOOD,  
*Senate Committee.*

JOHN C. JACOBS,  
EUGENE D. BERRI,  
CHAS. B. MORTON,  
EDWARD D. WHITE,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Robertson	Winslow	
Benedict	Dickinson	Madden	Tiemann	D. P. Wood	
Bowen	Foster	Murphy	Wagner	J. Wood	
Chatfield	Graham	O'Brien	Weismann	Woodin	20

FOR THE NEGATIVE.

Perry

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Winslow, from the select committee of nine, reported the following entitled bills complete:

Assembly, "An act repealing the act entitled 'An act to incorporate the Port Jervis Driving Park Association,' passed March 22, 1871."

Assembly, "An act to amend an act entitled 'An act to erect the village of Middleburgh into a separate road district,' passed April 7, 1859, and the acts amendatory thereof, passed February 15, 1867, and March 20, 1871."

Assembly, "An act to release the interest of the people of this State in certain lands to Sarah Mann, and to authorize her to hold and convey the same."

"An act to release to Frederick Schleiter all the right, title, and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises."

Assembly, "An act to authorize the president and trustees of the village of West Troy to raise by tax, upon the taxable property within said village, the sum of four thousand four hundred and forty-six dollars and seventy-three cents to pay the outstanding indebtedness of said village."

"An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870."

Assembly, "An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages.'"

Assembly, "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies,' and the several acts amendatory thereof."

Assembly, "An act to provide for the care and maintenance by the Canal Commissioners of certain bridges over a portion of the Black river used for canal purposes."

Assembly, "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street."

Assembly, "An act to amend an act entitled 'An act to provide for the improvement of Newtown creek between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871."

Assembly, "An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof."

Assembly, "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870'"

Assembly, "An act relative to the care and education of deaf-mutes."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

The Assembly returned the bill entitled "An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872 for the construction of new work upon, and extraordinary repairs of, the canals of this State," with a message that they had non-concurred in the amendments of the Senate thereto, and appointed a committee of conference thereon, consisting of Messrs. Fort, Alvord, Hollister, Swain, and Mosher, and request a like committee on the part of the Senate.

Mr. Lewis moved that a committee of conference be appointed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Lewis, Bowen, and Lord.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. J. Wood, from the committee on the judiciary, to which was referred the several bills proposing amendments to the Code of Procedure, reported by bill entitled "An act to amend chapter 379 of the Laws of 1848 entitled 'An act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State,' passed April 12, 1848;" which report was agreed to.

Mr. Benedict offered the following:

*Resolved*, That hereafter the Senate meet at ten o'clock, A. M.; take a recess at two o'clock, P. M., till four o'clock, P. M.; take a recess at six o'clock, P. M., till half-past seven o'clock, P. M., every day, except Sunday, till the final adjournment, except when otherwise ordered by the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to reimburse the commissioners named in chapter 653 of Laws of 1869, for moneys expended by them in the

discharge of their trust conferred by the provisions of said act," with power to report complete, reported in favor of the passage of the same; which report was agreed to, and said bill ordered to a third reading.

Mr. D. P. Wood moved that an executive session be held this day at one o'clock and forty-five minutes, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 110 of the Laws of 1871, entitled 'An act to amend an act entitled An act in relation to the fees of county treasurers, passed May 11, 1846,' passed March 15, 1871," reported in favor of the passage of the same.

On motion of Mr. Madden, and by unanimous consent, the rules were suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	J. Wood
Chatfield	Lord	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. D. P. Wood, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows :

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

And after some spent therein, the hour of one o'clock and forty-five minutes having arrived, the President resumed the chair, and announced executive session ; and, after some spent therein, the doors were opened, and the Senate resumed the consideration of legislative business.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 150 of the Laws of 1837 authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act authorizing the trustees of the village of Tonawanda to raise money by tax to pay the indebtedness of said village," reported in favor of the passage of the same.

On motion of Mr. Dickinson, and by unanimous consent, said bill was ordered to a third reading.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend section 2 of chapter 203 of Laws of 1863 relating to the village of Niagara City, in the county of Niagara," reported in favor of the passage of the same.

On motion of Mr. Bowen, and by unanimous consent, said bill was ordered to a third reading.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Quincy Rural Cemetery Association in the town of Ripley and county of Chautauqua," reported in favor of the passage of the same.

On motion of Mr. Allen, and by unanimous consent, said bill was ordered to a third reading.

Mr. Baker, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act authorizing the trustees of the Quincy Rural Cemetery Association, in the town of Ripley, county of Chautauqua, to purchase additional lands to enlarge their burying-grounds on lot No. 14 of Holland Land Company's survey, near the village of Quincy, to plat and lay the same out into lots, and to regulate the price thereof," reported in favor of the passage of the same.

On motion of Mr. Allen, and by unanimous consent, said bill was ordered to a third reading.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across the bridges over the streams in the town of Ellisburgh, in the county of Jefferson," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to confirm the election of game constables in the several towns of Lewis county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to release to Frederick Schleuter all the right, title, and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises."

"An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870."

"An act to establish the St. Paul's American Protestant Episcopal Church at Rome, Italy, by a Board of Trustees in New York city."

Mr. Woodin moved that the session be extended ten minutes.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The hour of two o'clock having arrived, the Senate took a recess until four o'clock, P. M.

## FOUR O'CLOCK, P. M.

The Senate again met.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *May 9, 1872.* }

*To the Senate :*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith, for the purpose of amendment, Senate bill No. 246, entitled "An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Perry	Weismann	
Baker	Dickinson	McGowan	Robertson	Winslow	
Benedict	Foster	Madden	Tiemann	J. Wood	
Chatfield	Harrower	O'Brien	Wagner	Woodin	20

On motion of Mr. Perry, said bill was amended as follows :

Strike out all after the word "persons," and insert the words as follows :  
"or by any railroad or other corporation to secure its mortgage bonds or other obligations lawfully made or issued, and appointing such company trustee, and to act as trustee in respect to all matters embraced in such trust."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	McGowan	Weismann	
Allen	Chatfield	Lewis	Robertson	D. P. Wood	
Baker	Cock	Lord	Tiemann	J. Wood	
Benedict	Dickinson	Lowery	Wagner	Woodin	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May 9, 1872.* }

*To the Senate :*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith, for the purpose of amendment, Senate bill (not printed), entitled "An act relating to the Pacific Mail Steamship Company authorizing the reduction of its capital stock, and prescribing the qualification of directors."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lowery	Robertson	Winslow
Baker	Foster	McGowan	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	J. Wood
Chatfield	Lewis	Perry	Weismann	Woodin
Cock				

21

On motion of Mr. Woodin, said bill was amended as follows:

Section 2, line 4, engrossed bill, strike out the word "stockholder," and insert in lieu thereof the words "directors."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Weismann
Allen	Foster	Lord	Robertson	Winslow
Baker	Graham	McGowan	Tiemann	J. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May 9, 1872.* }

*To the Senate:*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith, for the purpose of amendment, Senate bill No. 478, entitled "An act to establish St. Paul's Church at Rome, Italy, by a Board of Trustees in New York city."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Benedict	Graham	O'Brien	Wagner	Woodin
Bowen	Lewis			

22

On motion of Mr. Cock, said bill was amended as follows:

Insert, in the title of the bill, after the words "St. Paul's," the words "American Protestant Episcopal."

In section 1, line 2, printed bill, after the name "George Kemp," strike out the name of David M. Armstrong," and insert in lieu thereof the name of "Robert C. Nevin."

In line 4, printed bill, after the words "St. Paul's," insert the words "American Protestant Episcopal."



In same line, after the word "Rome," strike out the words "in the kingdom of."

In same line, before the word "Rome," strike out the word "at."

In line 26, printed bill, after the word "church," strike out the words "and the said rector to remove, at pleasure, and," and insert in lieu thereof the words "and in case of any vacancy in the office of the said rector by death, resignation, or otherwise."

In line 27, printed bill, strike out, after the word "successor," the words "with the like power of removal."

In line 42, printed bill, strike out all after the word "church," and insert in lieu thereof the words as follows: "and the said church and congregation shall be subject to the constitution and canons of the Protestant Episcopal Church in the United States of America, in all respects in which the same do not conflict with the provisions of this act, and shall recognize and accede to the doctrine, discipline, and worship of the said Protestant Episcopal Church; and the said board of trustees, in addition to the powers hereinbefore conferred, shall have power to exercise all the functions and perform all the duties usually exercised and discharged by vestries of churches of the Protestant Episcopal Church in the United States of America, and to appoint all agents, resident in Italy or elsewhere, necessary or useful for the purposes of the care and management of the local affairs and business of the said church."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	O'Brien	Weismann
Baker	Dickinson	Lord	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin
Chatfield	Johnson			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company in the county of Rockland,'" reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, said bill was referred back to the committee on commerce and navigation, with power to report complete.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to change the bulk-head and pier-head lines or lines of solid filling and the pier line in a part of the port of New York in conformity with the map entitled 'Map of Water Fronts on East river at Bushwick inlet, Brooklyn, E. D.,' made by R. Rosa, city surveyor, which was filed in the office of the Secretary of State on the 5th day of June, in the year 1865," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for a commission to propose amendments to the Constitution," reported in favor of the

passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act relative to loans held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants,' passed February 10, 1872," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the suppression of the sale of prize packages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood moved to take from the table the resolution accompanying the report of the committee on the judiciary in the case of Judge Prindle, in the words as follows:

*"Resolved,* That the recommendation of the committee on the judiciary be adopted, and that the committee be instructed to proceed accordingly."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood moved that said motion be adopted.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood moved that the resolution relative to Superintendent Miller be made the special order for Monday evening next immediately after the assembling of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. D. P. Wood, the Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

*"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."*

And after some time spent therein, the hour of six o'clock having arrived, the President resumed the chair, and the Senate took a recess until half-past seven o'clock, P. M.

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## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, {  
ALBANY, May 9, 1872. }

*To the Senate:*

I return, without approval, Senate bill No. 489, entitled "An act dividing the State into congressional districts."

The act of Congress for the apportionment of representatives from the several States provides that they "shall be elected by districts composed of contiguous territory containing, as nearly as practicable, an equal number of inhabitants."

The bill seems to be framed in plain disregard of the requirements of the act of Congress. The average population to a district should be, on the ratio of the number of representatives assigned to the whole State, 137,000. There are created by this bill one district containing a population of only 92,700, another with only 99,500, two with each 130,000, one with only 110,000, and one with only 111,000. On the other hand, one district will contain a population of 118,000, another 178,000, another 172,000, and another 166,000. These instances suffice to show the great inequalities in the provisions of the bill.

It is, of course, impossible to avoid material differences in the population of the several districts. In making up the districts of contiguous territory, it is well to avoid dividing counties, except when a county is so large in numbers as to entitle it to more than one representative, or has so large a fraction of population beyond the number entitling it to one, that it would be gross injustice to disregard the practice. But if it be proper to avoid dividing counties, it is manifestly not proper to divide wards in cities as is done by this bill.

The unequal distribution prescribed by this bill is unnecessary, and cannot be justified as being the only way to avoid the disintegration of counties or other existing municipal districts. For great inequalities within a single county — the county of New York — are produced by dividing wards and attaching one part of a ward to one district, and another part thereof to another district. In New York city, under this bill, one congressional district will contain 187,700 of population, while another will contain only 92,700; that is to say, one district will contain more than twice as great a population as the other. New York city is justly entitled to one additional representative, if it were divided into seven districts of equal population; each one would contain a population of 134,613. There will be fifteen districts under this bill, outside of the city, which will contain, each of them, a less population than the above average of 134,600, yet New York is allowed but six members of Congress. In dividing the wards of New York city, it must have been difficult, if not impossible, for the Legislature to arrive, with any exactness, at the population of the districts created in such cases.

One instance, outside of New York city, will illustrate how easily it would have been to make the districts more fairly out of contiguous territory, and without dividing counties. By the bill Westchester, Putnam, and Rockland are to form one district, and they contain a population of 172,000; Orange and Sullivan constitute another district with 115,000 population; Dutchess and Columbia constitute another district, and contain 121,000 population. Here is great inequality among the three districts. All the seven counties form one mass of contiguous territory, and may be divided into three districts, each one being formed of contiguous territory, with a very much nearer approach to equality in population. Westchester left as a district by itself would have a population of 131,300, and is growing rapidly. Within the next ten years its population will be increased by many thousands, while many other portions of the State will probably remain about as at present. Columbia, Dutchess, and Putnam would contain, if put together, a population of 136,500; Orange, Sullivan, and Rockland would contain one of 146,000.

Other glaring and unnecessary instances of inequality could be pointed out, but these are sufficient to establish the fact that proper pains have not been taken to do justice to the people, nor to comply with the directions of the act of Congress.

I cannot believe that the wrong proposed to the city of New York, where, without increased representation to the city at large, wards are divided in making up districts, and where one district is assigned to a population of less than half that of a neighboring district, is the result of the best judgment of the Legislature.

The injustice of the whole apportionment for the State, as made by this bill, may be briefly shown. The territory embracing New York city, Long Island, and Staten Island, contains a population of 1,515,969, which is 9,398 in excess of the number required for eleven representatives, but only ten are given to it; the rest of the State contains a population of 2,866,790, which is not enough by 9,391 to entitle it to twenty-one representatives, and to this portion of the State are given twenty-two.

For the reason that the bill is in plain disregard of the rights of the people, and of the directions of the act of Congress under which the apportionment is made, I cannot give it my approval.

JOHN T. HOFFMAN.

The President put the question "Shall this bill pass notwithstanding the objection of the Governor?" and it was decided in the affirmative, two-thirds of all the Senators present and voting, voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Winslow
Benedict	Foster	Lowery	Wagner	D. P. Wood
Bowen	Graham	McGowan	Weismann	J. Wood
Chatfield	Harrower	Madden		

18

FOR THE NEGATIVE.

Adams	Cock	Lord	Robertson	Tiemann
Baker	Johnson			

7

*Ordered*, That the Clerk deliver said bill to the Assembly, with a message informing that they have passed the same notwithstanding the objections of the Governor.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of said named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Woodin asked and obtained leave to introduce a bill entitled "An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county by providing for the audit and payment of additional claims,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Benedict asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Brevoort Savings Bank of the city of New York,' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. J. Wood, from the committee on the judiciary, to which was referred the amendments proposed by the Assembly to Senate bill No. 449, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," respectfully report that they have had the same under consideration, and recommend that the Senate concur in the amendments proposed by the Assembly, with the following exceptions:

"To the proposed amendments to the salaries of the county judges of the counties of Fulton, Seneca, Orange, and Sullivan; to the amendment proposed by the sixth section as contained in the bill as reported to the Assembly, and adopted as a substitute to the Senate bill; and as to those amendments the committee recommend that the Senate non-concur with the Assembly, and ask for a committee of conference."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. J. Wood, Murphy, and D. P. Wood.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

Mr. O'Brien offered the following:

*Resolved*, That the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to authorize the common council of the city of New York to fix and regulate the wages of mechanics and laboring men employed upon the public works, or in any of the departments of the said city of New York," and that the same be committed to the committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish and sweepings, and all dead animals, blood, offal and other refuse matter, and the contents of all sinks and privies, and all bones, fish not fit for human food, and all diseased, tainted, and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of, and the cancellation of, existing contracts and arrangements in respect thereto, passed May 14, 1872," reported that they had made some amendments thereto, and amended the title by striking therefrom the words "and the contents of all sinks and privies," which report was agreed to, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm, reduce, and levy certain assessments on the city of Brooklyn," reported in favor of the passage of the same, with amendments.

On motion of Mr. Murphy, and by unanimous consent, said bill was ordered to a third reading.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871; amended January 12, 1872, and to amend section 45 of chapter 719 of the Laws of 1871," with a message that they had consented to the appointment of a committee of conference



thereon, and appointed as such committee, on the part of the Assembly, Messrs. Alberger, Baltz, Bemus, Husted, and Chambers.

The Assembly returned the bill entitled "An act to establish a board of health in and for the city of Brooklyn and county of Kings," with a message that they had consented to a committee of conference thereon, and appointed as such committee, on the part of the Assembly, Messrs. Morton, Berri, White, Moseley, and Smyth.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend an act entitled 'An act to provide for the drainage of the swamp, bog, and other low and wet lands in the village of White Plains, and adjacent thereto,' passed May 2, 1871."

"An act to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county."

"An act to amend the charter of the Lutheran Cemetery at Middle Village, Long Island."

"An act to incorporate the Auburn City Hospital."

"An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' passed April 24, 1867."

"An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of academies."

"An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open One Hundred and Fifty-sixth street from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871."

"An act further to amend an act passed May 8, 1869, entitled 'An act to incorporate the city of Watertown.'"

"An act to amend chapter 190 of the Laws of 1870 in relation to the supervisors of the county of New York."

"An act to amend section 14 of an act entitled 'An act to incorporate the Sidney and Unadilla Bridge Company,' passed April 27, 1866."

"An act to incorporate the German-American Loan and Mortgage Company."

"An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871."

"An act to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office."

"An act in relation to the court for the trial of impeachment."

"An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several orphan asylums in this State other than the city of New York,' passed April 10, 1850."

"An act to regulate places of public amusement in the city of New York."

"An act to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York."

"An act to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York."

"An act to establish St. Paul's Church at Rome, Italy, by a Board of Trustees in New York city."



"An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

"An act to amend an act entitled 'An act to revise the charter of the city of Utica,' passed February 28, 1862, passed February 25, 1870."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the following entitled bills:

"An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York for the use of their small cars only," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor in the county of Albany,' passed April 4, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the Assembly bill entitled "An act to authorize the Rondout and Oswego Railroad Company to extend its road and change its corporate name," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

A message from the Assembly was received and read, as follows:

IN ASSEMBLY, *May 9, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Pierce, and by unanimous consent, the same was amended as follows:

In section 2, line 3, strike out the words "forty-nine."

Amend the title so as to read as follows:

"An act to establish a special road district, and appropriate the highway taxes on the non-resident lands therein for the constructing of a road from Blood's hotel to Tupper lake, Franklin county."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Winslow
Allen	Dickinson	Lowery	Tiemann	D. P. Wood
Baker	Graham	Murphy	Wagner	J. Wood
Bowen	Lewis	O'Brien	Weismann	Woodin
Chatfield				

21

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lord	Palmer
Allen	Cock	Harrower	Lowery	D. P. Wood
Baker	Dickinson	Johnson	McGowan	J. Wood
Benedict	Foster	Lewis	O'Brien	Woodin
Bowen				

31

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

A message from the Assembly was received and read, as follows :

IN ASSEMBLY, *May 9*, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to incorporate the Rochester Savings Bank Trust Company."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. G. D. Lord, and by unanimous consent, the same was amended as follows :

In section 1, strike out the words "Savings Bank."

In section 2, subdivision 2, add the letter "s" to the word "trust."

In section 12, substitute the word "worth" for the word "with."

Substitute for section 23 the following :

"§ 23. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders thereof shall be individually responsible, equally and ratably, for the amount of such debt or liability, with interest, to an extent equal to the amount of their respective shares of stock in said company."

Change section 23 in the present bill to section 24.

Amend the title by striking out the words "Savings Bank."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lord	Tiemann	D. P. Wood
Baker	Dickinson	Lowery	Wagner	J. Wood
Benedict	Graham	O'Brien	Weismann	Woodin
Bowen				

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Weismann
Allen	Cock	Lord	Robertson	D. P. Wood
Baker	Dickinson	Murphy	Tiemann	J. Wood
Bowen	Graham	O'Brien	Wagner	Woodin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for the expenses of the same," with a message that they had passed the same, with the following amendments :

Section 1, line 7, after the words "court-house," insert the words "at any place in said county."

Add, as section 9, the following :

“§ 9. In case the supervisors of said county locate the court-house in any village or town in said county in which, in their opinion, is now erected a suitable public building for holding courts, the said supervisors may purchase such building for the purpose of the board of town auditors of such town upon such terms as may be agreed upon, and may also purchase lands adjoining or adjacent thereto for the purpose of erecting a jail thereon; and, in case of such purchase, then the commissioners named in this act shall improve and enlarge such buildings, if necessary, and erect such jail; and, in case the supervisors agree with the town auditors of any town to purchase such public building as aforesaid, the supervisor and town clerk of such town shall, under a resolution of the board of town auditors, execute a conveyance to the county of Queens for such public building, and the lands upon which it stands; and connected therewith the authority conferred upon the commissioners by the fifth section of this act to issue bonds as in said section prescribed, and the provisions for the payment of the same shall apply to this section the same as if they had erected a new building.

“§ 10. This act shall take effect immediately.”

Mr. Cock moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Winslow	
Allen	Chatfield	Johnson	Robertson	D. P. Wood	
Baker	Cock	Lewis	Wagner	J. Wood	
Benedict	Foster	McGowan	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled “An act to incorporate the Safe Deposit and Trust Company of Buffalo,” with a message that they had concurred in the passage of the same, with the following amendments:

Section 2, line 5, engrossed bill, after the word “mortgages,” insert the word “unencumbered.”

Same section, line 8, after the words “New York,” insert the words “worth double the amount loaned thereon.”

Same section, line 9, after the word “State,” strike out all down to and including the word “stock,” in line 12.

Section 3, line 8, strike out the word “one,” and insert in lieu thereof the word “two.”

Section 4, line 15, strike out the word “one,” and insert in lieu thereof the word “two.”

Mr. Lewis moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	McGowan	Wagner
Baker	Dickinson	Johnson	O'Brien	D. P. Wood
Benedict	Foster	Lewis	Perry	J. Wood
Bowen	Graham	Lowery	Tiemann	Woodin
Chatfield				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867," with a message that they had passed the same, with the following amendments:

Section 1, line 1, strike out the letters "th" from the word "eighteenth."

Section 18, strike out all from the word "company," in line 6, down to and including the word "stocks," in line 7.

Add to section 18 the following words: "said company shall not invest in such dividend-paying stocks to an amount exceeding fifty thousand dollars in any one corporation or company. In making loans secured by dividend-paying stocks of any corporation or company, which stocks shall not be taken as collateral at a less margin than twenty per cent of the market value thereof at the time of making such loan."

Strike out section 19, and insert the following:

"§ 19. The amount of money which the said corporation shall have in trust, in deposit or loan, at any time, shall not exceed fifteen millions of dollars, and the amount of its outstanding loans shall not exceed sixteen millions of dollars; but the said company may, at any time, receive on deposit and loan out any money which may be deposited with them by any of the courts of this State, including the surrogates' courts notwithstanding the limitation contained in this act, unless the capital stock thereof shall be increased; and, in the event of such increase, the amount in trust, deposit or loan, or outstanding loans may be increased in exact proportions with such increase of capital."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Foster	McGowan	Robertson	D. P. Wood
Baker	Graham	Madden	Weismann	J. Wood
Chatfield	Harrower	O'Brien	Winslow	Woodin
Dickinson	Lord			

17

FOR THE NEGATIVE.

Tiemann

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Allen, the Senate adjourned.

FRIDAY, MAY 10, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The reading of the journal of yesterday was dispensed with.

The Assembly sent for concurrence the bills entitled as follows:

"An act to authorize the towns of Portland, Chautauqua, Sherman, Clymer or adjoining towns in the county of Chautauqua to issue bonds

in aid of the Buffalo, Corry and Pittsburgh Railroad Company, and to take the bonds of said company therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Allen, and by unanimous consent, said bill was ordered to a third reading.

"An act to incorporate the New York Coal Exchange and to confer certain powers upon it," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to provide for the safe custody and care of insane criminals,' passed May 17, 1869; also, to amend an act entitled 'An act to authorize judicial inquiry as to the sanity of persons indicted for capital offenses,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to enable the mayor and common council of Long Island City to borrow money,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to legalize the official acts and proceedings of Samuel F. Powell, a justice of the peace of the town of Coeymans, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Buffalo and New York Oil Tankage and Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the Tontine Mutual Savings Bank of the city of New York,' passed May 11, 1869, passed May 10, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

"An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads, and parks in Long Island City,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Staten Island and New Jersey Suspension Bridge and Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act relative to the medical laws of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

The Assembly returned the bill entitled "An act relating to the examination of candidates for the degree of doctor of medicine," with a message that they had passed the same with the following amendments:

Section 5, line 5, after the word "he," last occurring, insert the words "or she." Same section, line 7, after the word "State" insert the word "and," and in same line after the word "Latin" insert the word "language." Also in same section, lines 7 and 8, strike out all of the word "Latin," down to and including the word "language."

Section 7, line 2, strike out the word "fifteen" and insert the word "ten."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Robertson	D. P. Wood
Allen	Cock	Lowery	Wagner	J. Wood
Baker	Dickinson	McGowan	Weismann	Woodin
Benedict	Graham	O'Brien		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to incorporate the Washington Park Association," with a message that they had concurred in the passage of the same with the following amendments:

Add the following names in section 4: "E. B. Nash, John A. Russell, Z. P. Ruggles, Geo. Clements, Michael Morey, Thomas Flood."

Strike out the name of "Thomas J. Strong."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann
Allen	Dickinson	Lewis	Perry	J. Wood
Baker	Foster	Lowery	Robertson	Woodin
Chatfield	Graham	McGowan	Tiemann	

19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to amend section 2 of chapter 203 of Laws of 1863, relating to the village of Niagara City in the county of Niagara," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	Winslow
Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin
Bowen	Harrower			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to authorize the common council of the city of New York to fix and regulate the wages of mechanics and laboring men employed



upon the public works or in any of the departments of the city government of the said city of New York."

The bill entitled "An act to release to Frederick Schleuter all the right. title and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lowery	Robertson	D. P. Wood
Bowen	Graham	McGowan	Tiemann	J. Wood
Chatfield	Harrower	Madden	Weismann	Woodin
Cock	Johnson	O'Brien		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Madden asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition," passed April 21, 1870."

On motion of Mr. Madden, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	D. P. Wood
Allen	Dickinson	Madden	Wagner	J. Wood
Baker	Graham	O'Brien	Weismann	Woodin
Chatfield	Harrower	Perry	Winslow	

19

FOR THE NEGATIVE.

Lewis				
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1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Wagner	D. P. Wood
Allen	Foster	McGowan	Weismann	J. Wood
Baker	Graham	Perry	Winslow	Woodin
Benedict	Lewis	Robertson		

18

## FOR THE NEGATIVE.

Cock	Lord	Murphy	O'Brien	●	Tiemann
Johnson					

6

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to regulate taxation for road purposes in the village of Tarrytown, Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Palmer	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Robertson	J. Wood
Chatfield	Harrower	O'Brien	Wagner	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk valley, and the preparation of the natural products of the soil for market," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Graham	Lowery	Perry	Weismann
Baker	Harrower	McGowan	Robertson	Winslow
Chatfield	Johnson	O'Brien	Tiemann	J. Wood
Cock	Lord	Palmer	Wagner	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in regard to Union Free School District No. 1, in the town of Milton, and to enlarge its boundaries, and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Wagner
Allen	Foster	Lord	Perry	Weismann
Bowen	Graham	Lowery	Robertson	Winslow
Chatfield	Johnson	McGowan	Tiemann	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend chapter 150 of the Laws of 1837, authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson," was read a third time.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Perry	Weismann
Allen	Cock	Harrower	Robertson	Winslow
Baker	Dickinson	Lowery	Tiemann	D. P. Wood
Benedict	Foster	O'Brien	Wagner	J. Wood
Bowen				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Shelter Island Grove and Campmeeting Association of the Methodist Episcopal Church," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Tiemann
Allen	Cock	Harrower	O'Brien	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Bowen	Foster	Lowery	Robertson	Winslow

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Allen	Foster	McGowan	Robertson	Winslow
Benedict	Graham	Murphy	Tiemann	D. P. Wood
Bowen	Harrower	O'Brien	Wagner	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend the time of beginning the construction of the Newburgh and Midland railway, and expending ten per cent of the amount of its capital stock thereon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Robertson	Winslow
Allen	Chatfield	Lewis	Tiemann	D. P. Wood
Baker	Dickinson	Lowery	Wagner	Woodin
Benedict	Foster	O'Brien	Weismann	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, and macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	O'Brien	Weismann
Allen	Cock	Harrower	Robertson	Winslow
Baker	Dickinson	Lowery	Tiemann	J. Wood
Bowen	Foster	McGowan	Wagner	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize the sale of the State armory at Ballston Spa," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Wagner
Allen	Dickinson	Lewis	Perry	Weismann
Baker	Foster	Lord	Robertson	Winslow
Chatfield	Graham	Lowery	Tiemann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 366 of the Laws of 1870, entitled 'An act in regard to public libraries incorporated in the State of New York,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lowery	Wagner
Allen	Chatfield	Graham	McGowan	Weismann
Baker	Cock	Harrower	Robertson	D. P. Wood
Benedict	Dickinson	Lewis	Tiemann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relating to the Queens County Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Harrower	Robertson	D. P. Wood
Baker	Cock	Lowery	Tiemann	J. Wood
Benedict	Dickinson	McGowan	Wagner	Woodin
Bowen	Graham	O'Brien	Winslow	19

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the improvement of Pleasant street in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	Lowery	Perry	Weismann
Baker	Graham	McGowan	Robertson	Winslow
Chatfield	Lewis	Madden	Tiemann	J. Wood
Cock	Lord	O'Brien	Wagner	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to incorporate the Palette of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	O'Brien	Wagner	D. P. Wood
Baker	Graham	Perry	Weismann	J. Wood
Chatfield	Harrower	Robertson	Winslow	Woodin
Cock	Lowery	Tiemann		18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Tiemann	D. P. Wood
Allen	Foster	McGowan	Wagner	J. Wood
Baker	Graham	Palmer	Weismann	Woodin
Chatfield	Harrower	Robertson	Winslow	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Perry	Winslow
Baker	Graham	McGowan	Tiemann	D. P. Wood
Chatfield	Harrower	O'Brien	Wagner	J. Wood
Cock	Lord	Palmer	Weismann	Woodin
Dickinson				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	O'Brien	Weismann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

On motion of Mr. Bowen, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes relative to proceedings for the drainage of swamps, marshes, and other low or wet lands, and for draining farm lands,' passed May 12, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lowery	Tiemann
Allen	Chatfield	Graham	O'Brien	Wagner



Baker	Cock	Lewis	Perry	J. Wood	
Benedict	Dickinson	Lord	Robertson	Woodin	20

## FOR THE NEGATIVE.

Winslow

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Dickinson	Lowery	Tiemann	J. Wood
Baker	Foster	McGowan	Wagner	Woodin
Benedict	Graham	Perry		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Lewis moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Robertson	D. P. Wood
Baker	Cock	Lewis	Tiemann	J. Wood
Benedict	Dickinson	O'Brien	Wagner	Woodin
Bowen	Harrower	Perry	Weismann	

19

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Lord	Perry	Weismann
Benedict	Dickinson	Lowery	Robertson	Winslow
Bowen	Harrower	McGowan	Tiemann	D. P. Wood
Chatfield	Lewis	O'Brien	Wagner	

19

## FOR THE NEGATIVE.

Johnson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Madden moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe, and speedy system of rapid transit through the city of New York," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Bowen	Graham	McGowan	Perry	D. P. Wood	
Chatfield	Harrower	Madden	Robertson	J. Wood	
Dickinson	Lord	Murphy	Tiemann	Woodin	
Foster	Lowery	Palmer	Wagner		19

**FOR THE NEGATIVE.**

Benedict	O'Brien	Weismann	Winslow		4
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Mr. Madden moved that said bill be recommitted to the committee on railroads, with instructions to report immediately. •

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the construction of a bridge over the Glen's Falls feeder, in the village of Glen's Falls, New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lord	Perry	Weismann	
Allen	Cock	McGowan	Robertson	D. P. Wood	
Baker	Foster	Madden	Tiemann	J. Wood	
Benedict	Graham	O'Brien	Wagner	Woodin	
Bowen	Harrower				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Madden	Tiemann
Allen	Dickinson	Lord	Palmer	Wagner
Baker	Foster	Lowery	Perry	J. Wood
Bowen	Harrower	McGowan	Robertson	Woodin

20

## FOR THE NEGATIVE.

Murphy

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Lord moved to take from the table the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions, in the county of Monroe, being chapter 46 of the Laws of 1864.'"

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	O'Brien	Winslow
Allen	Foster	Lord	Perry	D. P. Wood
Benedict	Graham	Lowery	Robertson	J. Wood
Chatfield	Harrower	McGowan	Tiemann	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to incorporate the Buffalo and New York Oil Tankage and Transportation Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts and proceedings of Samuel T. Powell, a justice of the peace of the town of Coeymans, in the county of Albany," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river,' passed April 13, 1858, and the several acts amendatory thereof, being chapter 465 of the Laws of 1862, and chapter 304 of the Laws of 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Palmer	Wagner
Baker	Foster	McGowan	Perry	Weismann

Benedict	Harrower	Madden	Robertson	J. Wood	21
Bowen	Johnson	O'Brien	Tiemann	Woodin	
Cock					

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act making appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favort hereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Weismann	22
Allen	Cock	Lowery	Robertson	Winslow	
Baker	Dickinson	McGowan	Tiemann	J. Wood	
Benedict	Foster	Palmer	Wagner	Woodin	
Bowen	Graham				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same, with amendments.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Palmer	D. P. Wood	19
Bowen	Graham	Lowery	Perry	J. Wood	
Chatfield	Harrower	McGowan	Robertson	Woodin	
Dickinson	Lewis	Madden	Wagner		

FOR THE NEGATIVE.

Adams	Benedict	Murphy	Tiemann	Winslow	9
Allen	Johnson	O'Brien	Weismann		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Queens Railway Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Robertson	Winslow	20
Baker	Dickinson	Lewis	Tiemann	D. P. Wood	
Benedict	Foster	McGowan	Wagner	J. Wood	
Chatfield	Graham	O'Brien	Weismann	Woodin	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871," having been announced for a third reading,

On motion of Mr. Chatfield, and by unanimous consent, said bill was amended as follows :

Insert in line 17, printed bill, the words "county of Broome," and in line 24, the words "of said city of Binghamton."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Weismann	
Allen	Cock	Harrower	O'Brien	D. P. Wood	
Baker	Dickinson	Lewis	Tiemann	J. Wood	
Bowen	Foster	Lowery	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend section 3 of chapter 19 of Laws of 1821, to perpetuate certain testimony respecting the title of the Poultney estate in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Palmer	Weismann	
Allen	Cock	Harrower	Robertson	D. P. Wood	
Baker	Dickinson	Lewis	Tiemann	J. Wood	
Benedict	Foster	O'Brien	Wagner	Woodin	
Bowen					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to appoint commissioners of parks for the State of New York," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, was amended as follows :

Section 1, line 1, insert the word "State" between the words "of" and "parks."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Tiemann	Winslow
Baker	Chatfield	O'Brien	Wagner	D. P. Wood
Benedict	Cock	Robertson	Weismann	J. Wood

15

FOR THE NEGATIVE.

Allen	Harrower	Lewis	Lowery	Woodin
Foster	Johnson			

7

Mr. Winslow moved that the vote by which said bill was lost be reconsidered, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park in the city of Brooklyn, toward Coney Island, in the county of Kings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	J. Wood
Chatfield	Harrower	O'Brien	Wagner	

9

FOR THE NEGATIVE.

Tiemann

*Ordered,* That said bill be laid on the table.

The Assembly bill entitled "An act authorizing the sale of the school-house in school district number twenty-seven, in the town of Huntington, Suffolk county, and providing for the application of the proceeds of said sale," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	O'Brien	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Graham	Murphy	Weismann	Woodin
Chatfield	Lewis			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passge of the same, with amendments.

The Assembly bill entitled "An act to improve the navigation of the Baldwinsville canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Benedict	Dickinson	O'Brien	Wagner	J. Wood
Bowen	Foster	Perry	Weismann	Woodin

20



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1865," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	Perry	Winslow
Baker	Foster	Lewis	Tiemann	D. P. Wood
Benedict	Graham	Lowery	Wagner	J. Wood
Bowen	Harrower	O'Brien	Weismann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm the acts of Hezekiah W. Whitney, administrator with the will annexed of the estate of Melvin S. Whitney, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann
Allen	Dickinson	Lewis	Robertson	Winslow
Baker	Foster	Lord	Tiemann	D. P. Wood
Chatfield	Graham	Lowery	Wagner	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the New York and South America Contract Company," having been announced for a third reading.

Mr. Winslow moved to recommit.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend section 156 of article 4 of chapter 3 title 2 of part 4 of the Revised Statutes, in relation to bodies of deceased convicts at Auburn State prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Harrower	Palmer	Weismann	Woodin
Chatfield	Lewis	Perry		
				18

FOR THE NEGATIVE.

Foster	Winslow
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the trustees of the presbytery of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Wagner	D. P. Wood	
Allen	Foster	McGowan	Weismann	J. Wood	
Baker	Graham	Robertson	Winslow	Woodin	
Chatfield	Lewis	Tiemann			18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk, New York,' passed March 31, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Weismann	
Allen	Cock	Lowery	Perry	D. P. Wood	
Baker	Dickinson	McGowan	Robertson	J. Wood	
Bowen	Graham	O'Brien	Wagner	Woodin	20

## FOR THE NEGATIVE.

Tiemann					1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Lowery	D. P. Wood	
Allen	Cock	Harrower	Robertson	J. Wood	
Baker	Dickinson	Johnson	Wagner	Woodin	
Benedict	Foster	Lewis	Winslow		19

## FOR THE NEGATIVE.

Tiemann					1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to mechanics' liens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Robertson	Winslow
Allen	Chatfield	Lowery	Wagner	J. Wood
Baker	Cock	O'Brien	Weismann	Woodin
Benedict	Foster	Perry		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the debts of the town of Newtown, Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Perry	Winslow
Benedict	Graham	McGowan	Robertson	D. P. Wood
Bowen	Harrower	O'Brien	Wagner	J. Wood
Cock	Lewis	Palmer	Weismann	Woodin
Dickinson				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Murphy	Winslow
Allen	Graham	Lord	O'Brien	D. P. Wood
Bowen	Harrower	Lowery	Wagner	J. Wood
Chatfield	Johnson	McGowan	Weismann	Woodin
Cock				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Wagner
Allen	Dickinson	Johnson	Murphy	Weismann
Baker	Foster	Lowery	Robertson	Woodin
Chatfield	Graham	McGowan	Tiemann	

19

## FOR THE NEGATIVE.

Benedict	Lord	J. Wood	
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Johnson	Perry	Winslow
Baker	Cock	Lewis	Robertson	D. P. Wood
Benedict	Graham	Lowery	Tiemann	J. Wood
Bowen	Harrower	McGowan	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly bill entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lord	Robertson	Winslow
Benedict	Foster	Lowery	Tiemann	D. P. Wood
Chatfield	Graham	Palmer	Wagner	J. Wood
Cock	Johnson	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' etc., passed April 15, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lewis	Perry	D. P. Wood
Benedict	Foster	Lowery	Robertson	J. Wood
Chatfield	Graham	McGowan	Tiemann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to extend the provisions of chapter 57 of the Laws of 1860, entitled 'An act conferring additional powers and duties on courts of special sessions in the county of Monroe,' and chapter 47 of the Laws of 1870, being an act amendatory thereof, to the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Weismann
Allen	Cock	Harrower	Robertson	Winslow
Baker	Dickinson	Johnson	Tiemann	D. P. Wood
Bowen	Foster	Lowery	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site and for the erection of a school-house thereon in school district No. 3 at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Weismann
Allen	Chatfield	Harrower	Palmer	D. P. Wood
Baker	Cock	Johnson	Robertson	J. Wood
Benedict	Foster	Lowery	Tiemann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the New Baltimore Chestnut Lawn Cemetery Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Weismann
Allen	Chatfield	Graham	Robertson	D. P. Wood
Baker	Cock	Lewis	Tiemann	J. Wood
Benedict	Dickinson	Lowery	Wagner	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees, under the last will and testament of Charles H. Carroll, deceased, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Robertson	Winslow
Allen	Dickinson	Murphy	Tiemann	D. P. Wood
Baker	Foster	Palmer	Wagner	J. Wood
Bowen	Graham	Perry	Weismann	Woodin
Chatfield	Lowery			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to enable the mayor and common council of Long Island City to borrow money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Baker	Graham	McGowan	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act in relation to wills,' passed April 23, 1864," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Robertson	Winslow
Allen	Dickinson	Lewis	Tiemann	D. P. Wood
Baker	Foster	Lowery	Wagner	J. Wood
Chatfield	Graham	McGowan	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the 2d day of July, 1862, also to restrict the operation of chapter 511 of the Laws of 1863," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:



## FOR THE AFFIRMATIVE.

Allen	Chatfield	Graham	Palmer	D. P. Wood
Baker	Cock	Harrower	Perry	J. Wood
Benedict	Dickinson	Lewis	Wagner	Woodin
Bowen	Foster	McGowan	Weismann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal to connect Munger and Averill streets in said city,' passed April 7, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Weismann
Allen	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	McGowan	Tiemann	J. Wood
Benedict	Graham	O'Brien	Wagner	Woodin
Chatfield	Harrower			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Baker moved that the bill entitled "An act to authorize the construction of a farm bridge over the Champlain canal for the benefit of Hiram Cramer, in the town of Saratoga, county of Saratoga," be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the city of Newburgh to borrow moneys and issue bonds therefor for the payment of the existing contingent debt of said city, and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Robertson	Winslow
Allen	Dickinson	Murphy	Tiemann	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Benedict	Harrower	Perry	Weismann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church, passed April 14, 1866," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Perry	Weismann
Allen	Dickinson	Lewis	Robertson	D. P. Wood
Benedict	Foster	O'Brien	Tiemann	J. Wood
Bowen	Graham	Palmer	Wagner	Woodin
Chatfield	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Mosholu Division No. 208, Sons of Temperance," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Johnson	Madden	Winslow
Benedict	Foster	Lewis	O'Brien	D. P. Wood
Bowen	Graham	Lowery	Palmer	Woodin
Chatfield	Harrower	McGowan	Robertson	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries," with a message that they had passed the same, with the following amendments :

Section 4, line 5, engrossed bill, strike out the word "six," and insert in lieu thereof the word "eight."

Same section, line 8, strike out the word "eight," and insert in lieu thereof the word "ten."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	McGowan	Weismann
Allen	Cock	Harrower	Palmer	D. P. Wood
Benedict	Dickinson	Lord	Perry	J. Wood
Bowen	Foster	Lowery	Robertson	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act for the preservation of shell fish in the town of North Hempstead, in Queens county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Perry	Winslow
Allen	Cock	McGowan	Robertson	D. P. Wood
Benedict	Foster	O'Brien	Tiemann	J. Wood
Bowen	Graham	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Winslow, from the select committee of nine, reported the following entitled bills complete :

Assembly, "An act to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district No. 3, in the town of Dannemora."

Assembly, "An act to provide for increased penalties for riding or driving any animal or animals across the bridges over the streams in the town of Ellisburgh in the county of Jefferson."

Assembly, "An act in relation to the improvement of the Eighth avenue in the city of New York."

"An act to authorize the common council of the city of New York to fix and regulate the wages of mechanics and laboring men employed upon the public works or in any of the departments of the city government of the said city of New York."

Assembly, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871." [With amendments.]

Assembly, "An act to confirm the election of game constable in the several towns of Lewis county."

Assembly, "An act providing for keeping in duplicate certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed."

"An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county, for the year 1872, may be fixed, set apart and apportioned, and provide further regulations in respect thereto."

"An act to amend certain provisions of law relating to wharves, piers and bulk-heads in the city of New York."

"An act in relation to courts and justices in the city and county of New York." [With amendments.]

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

The Assembly returned the bill entitled "An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof, passed April 28, 1870," with a message that they had concurred in the passage of the same, with the following amendments :

"§ 2. Section 4 of said act of April 28, 1870, is hereby amended by adding at the end thereof as follows : 'The supreme court may remove into that court any action pending in the city court of Brooklyn, which action could have been originally brought into the supreme court whenever, on motion, it may appear to the supreme court that the convenience of witnesses, in the ends of justice, require it. The like proceedings shall be had thereon as to transfer of the papers in such action to the court whence the action shall be removed, as is now by law provided for removal of actions in the supreme court from one county to another.'"

Section 3, line 1, change the word "fifteen" to the word "fourteen."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	O'Brien	Winslow
Baker	Foster	McGowan	Perry	D. P. Wood
Bowen	Graham	Madden	Robertson	J. Wood
Chatfield	Lord	Murphy	Weismann	Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Weismann moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish and sweepings, and all dead animals, blood, offal and other refuse matter, and the contents of all sinks and privies, and all bones, fish not fit for human food, and all diseased, tainted, and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of, and the cancellation of existing contracts and arrangements in respect thereto," having been announced for a third reading,

On motion of Mr. Benedict, and by unanimous consent, said bill was amended as follows :

"Providing the same is found to be a valid existing agreement."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	O'Brien	Weismann
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	Madden	Wagner	Woodin
Bowen				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to extend the time for the organization of the Mutual Fire Insurance Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Madden	Tiemann
Allen	Chatfield	Graham	O'Brien	Wagner
Baker	Cock	Lewis	Perry	Weismann
Benedict	Dickinson	McGowan	Robertson	D. P. Wood 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad;' also chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company, to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company;' also relative to the stock of said railroad company held or owned by the town of Schoharie," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	McGowan	Robertson	Winslow
Baker	Graham	Madden	Tiemann	D. P. Wood
Benedict	Harrower	O'Brien	Wagner	J. Wood
Bowen	Johnson	Palmer	Weismann	Woodin
Chatfield	Lewis	Perry		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave, and complete certain streets in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Robertson	Winslow
Allen	Graham	O'Brien	Tiemann	D. P. Wood
Baker	Lewis	Palmer	Wagner	J. Wood
Benedict	Lowery	Perry	Weismann	Woodin
Dickinson				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cock moved to reconsider the vote by which the amendments of the Assembly to the bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for the expenses of the same," was concurred in.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cock moved to non-concur in the amendments, and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed as such committee, on the part of the Senate. Messrs. Cock, Lewis, and Perry.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and request a committee of conference thereon.

The Assembly bill entitled "An act to amend an act entitled 'An act to extend and improve Fourth street, in the city of Brooklyn,' passed April 10, 1871, and to confirm certain proceedings had thereunder," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	McGowan	Perry	Winslow	
Baker	Harrower	Madden	Tiemann	D. P. Wood	
Chatfield	Johnson	O'Brien	Wagner	J. Wood	
Dickinson	Lowery	Palmer	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Journeymen Ship Joiners' Benevolent Association of the city of New York,' passed April 13, 1840," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Robertson	Winslow	
Allen	Cock	Madden	Tiemann	D. P. Wood	
Baker	Dickinson	O'Brien	Wagner	J. Wood	
Benedict	Foster	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the common council of the city of New York to fix and regulate the wages of mechanics and laboring men employed upon the public works, or in any of the departments of the city government of the said city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Cock	Johnson	Robertson	Winslow	
Benedict	Dickinson	Lord	Tiemann	D. P. Wood	
Bowen	Foster	McGowan	Wagner	Woodin	
Chatfield	Graham	O'Brien	Weismann		19

## FOR THE NEGATIVE.

Madden	1
--------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for a deputy clerk for the court of general sessions of Kings county,' passed April 10, 1854," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Palmer	Weismann
Baker	Foster	Lewis	Robertson	Winslow
Chatfield	Graham	Madden	Tiemann	J. Wood
Cock	Harrower	O'Brien	Wagner	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to release the interest of the people of this State in certain lands to Sarah Mann, and to authorize her to hold and convey the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Baker	Graham	McGowan	Wagner	J. Wood
Bowen	Harrower	O'Brien	Weismann	Woodin
Chatfield	Johnson	Perry		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, the sum of four thousand four hundred and forty-six dollars and seventy-three cents, to pay the outstanding indebtedness of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Robertson	Winslow
Allen	Cock	Lewis	Tiemann	D. P. Wood
Baker	Dickinson	Lowery	Wagner	J. Wood
Benedict	Foster	Perry	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Robertson	Winslow
Allen	Dickinson	O'Brien	Tiemann	D. P. Wood
Baker	Graham	Palmer	Wagner	J. Wood
Bowen	Harrower	Perry	Weismann	Woodin
Chatfield	Lowery			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific, and missionary societies, and the several acts amendatory thereof,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	Winslow
Allen	Dickinson	Lowery	Tiemann	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Benedict	Graham	Perry	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to reimburse the commissioners named in chapter 653 of Laws of 1869, for moneys expended by them in the discharge of their trust conferred by the provisions of said act," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Perry	Weismann
Baker	Dickinson	Lewis	Robertson	Winslow
Benedict	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	O'Brien	Wagner	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the care and maintenance, by the Canal Commissioners, of certain bridges over a portion of the Black river used for canal purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Foster	O'Brien	Wagner	J. Wood
Benedict	Graham	Perry	Weismann	Woodin

20

## FOR THE NEGATIVE.

Johnson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Newtown creek, between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Perry	Winslow
Allen	Dickinson	Murphy	Robertson	D. P. Wood
Baker	Foster	O'Brien	Tiemann	J. Wood
Chatfield	Graham	Palmer	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	D. P. Wood
Allen	Dickinson	Lewis	Perry	J. Wood
Baker	Foster	Lowery	Weismann	Woodin
Benedict	Harrower	Murphy	Winslow	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Baker, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the New York Elevated Arched Railway Company for the purpose of providing rapid transit through the city and county of New York, and to provide for the construction and operation of a railway therefor," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the settlement of claims against the city and county of New York not embraced within the provisions of chapters 9 and 29 of the Laws of 1872," reported that they have made some amendments thereto, and amended the title thereof, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapters 9 and 29 of the Laws

of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county, by providing for the audit and payment of additional claims,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," reported that they have made some amendments thereto, and amended the title so as to read "An act to amend the several acts in relation to the city of Rochester," which report was agreed to, and said bill committed to the committee of the whole.

The Assembly returned the bill entitled "An act relating to the local government of the city of New York," with a message that they do not concur in the report of the committee of conference thereon, and request the appointment of a new committee.

Mr. Palmer moved that the vote non-concurring in the amendments of the Assembly to said bill be reconsidered.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Palmer moved to concur in the amendments of the Assembly.

The President put the question whether the Senate would agree to said motion to concur, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	Winslow
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield				

21

FOR THE NEGATIVE.

Cock	Lord	Murphy	O'Brien	Tiemann
Johnson				

6

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. O'Brien asked and obtained leave to introduce a bill entitled "An act making provisions for the payment of expenses of repairing streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to incorporate the New York and South American Contract Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Harrower, from the committee on the militia, to which was referred the Assembly bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor in the county of Albany,' passed April 4, 1849," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was recommitted the Assembly bill entitled "An act for the improvement of First street and Kent avenue, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to provide for the repavement and improvement of Henry street, between Pierrepont street and Fulton street, in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Weismann, from the committee on public health, to which was referred the Assembly bill entitled "An act relative to the medical laws of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Chatfield, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act relative to the widening, straightening, laying out and working of the Boston post road, Fordham avenue and Kings Bridge road, in the town of West Farms, in the county of Westchester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company, in the county of Rockland,'" with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Woodin, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act in relation to courts and justices in the city and county of New York."

"An act to amend certain provisions of law relating to wharves, piers and bulk-heads in the city of New York."

"An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county, for the year 1872, may be fixed, set apart and apportioned, and provide further regulations in respect thereto."

Mr. Woodin moved that the committee on finance be discharged from the further consideration of the following concurrent resolutions, and that the same be referred to the committee of the whole :

*Resolved* (if the Senate concur), That section 8 of article 7 of the Constitution of this State be amended so as to read as follows :

§ 8. No moneys shall ever be paid out of the treasury of this State, or any of its funds under its management, except in pursuance of an

appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by the corporate authorities of any county, city, town, or other municipal organization, to, or in favor or aid of any institution, association or object, which is under ecclesiastical or sectarian management or control.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

Pending this question, the hour of two o'clock having arrived, the Senate took a recess until four o'clock, P. M.

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#### FOUR O'CLOCK, P. M.

The Senate again met.

The President announced the pending question to be upon the resolutions of Mr. Woodin, that the committee on finance be discharged from the consideration of the concurrent resolutions relative to sectarian appropriations.

Mr. Lord moved that the resolutions be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Baker offered the following:

*Resolved*, That the committee on the affairs of cities be discharged from the further consideration of Assembly bill No. 928, entitled "An act in relation to sheriffs," and the same be re-committed to the committee on the judiciary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Benedict offered the following:

*Whereas*, The central board of trustees of the American Printing-house for the Blind, and the American University for the Blind, has been incorporated and organized in the District of Columbia, under the name of the Board of Regents of the American Printing-house for the Blind, and the American University for the Blind; and whereas, the objects of said institution are to provide for the blind facilities of instruction not heretofore enjoyed or attainable by them, that is to say, a series of text-books, works of general literature, and illustrative apparatus addressed to the sense of touch, with all other methods conducive to the acquisition of thorough and liberal education; and whereas, the respective State boards of trustees of said printing-house, or of said university are entitled to representation in said board of regents; and whereas, it is for the benefit of the blind of the nation, in which those of this State are generally interested, and



are recipients of said facilities of education ; and whereas, there is a bill in Congress to make appropriation to said printing-house and said university for the blind ; therefore, be it

*Resolved* (if the Assembly concur), That our senators and representatives in Congress be requested to favor the granting of aid by an appropriation of money to said institution ; and that His Excellency the Governor be requested to forward a copy of this memorial to our representatives in Congress.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Lord asked and obtained leave to introduce a bill entitled "An act to incorporate the Rochester Water Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Assembly bill entitled "An act authorizing the trustees of the village of Tonawanda to raise money by tax to pay the indebtedness of said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	Winslow
Allen	Foster	McGowan	Tiemann	D. P. Wood
Baker	Johnson	Murphy	Wagner	J. Wood
Benedict	Lewis	Perry	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the trustees of the Quincy Rural Cemetery Association, in the town of Ripley, county of Chautauqua, to purchase additional lands to enlarge their burying-grounds on lot No. 14 of Holland Land Company's survey, near the village of Quincy, to plat and lay the same out into lots, and to regulate the price thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Chatfield	Lord	Robertson	D. P. Wood
Baker	Cock	Murphy	Tiemann	J. Wood
Benedict	Foster	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Quincy Rural Cemetery Association, in the town of Ripley and county of Chautauqua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	O'Brien	Weismann
Allen	Chatfield	Lord	Perry	Winslow
Baker	Dickinson	Lowery	Robertson	D. P. Wood
Benedict	Foster	McGowan	Tiemann	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act relative to the care and education of deaf-mutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Winslow
Allen	Chatfield	Harrower	Palmer	D. P. Wood
Baker	Cock	Lord	Perry	J. Wood
Benedict	Dickinson	Lowery	Robertson	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel, required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Baker	Chatfield	Lewis	Perry	Weismann
Bowen	Harrower	McGowan	Wagner	Winslow
				10

FOR THE NEGATIVE.

Benedict	Johnson	Murphy	Tiemann	D. P. Wood
				5

Mr. D. P. Wood moved a reconsideration of the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Wagner	D. P. Wood
Allen	Cock	McGowan	Weismann	J. Wood
Baker	Dickinson	Perry	Winslow	Woodin
Benedict	Foster			17

FOR THE NEGATIVE.

Johnson	Tiemann				2
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The Assembly bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island in the county of Kings,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster.	Lowery	Palmer	Winslow
Allen	Harrower	McGowan	Perry	D. P. Wood
Bowen	Johnson	Madden	Tiemann	J. Wood
Chatfield	Lewis	Murphy	Weismann	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passge of the same, with amendments.

The Assembly bill entitled "An act to authorize the construction of a farm bridge over the Champlain canal for the benefit of Hiram Cramer, in the town of Saratoga, county of Saratoga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Perry	Weismann
Allen	Chatfield	Lord	Tiemann	Winslow
Baker	Cock	Lowery	Wagner	D. P. Wood
Benedict	Dickinson	McGowan		

18

FOR THE NEGATIVE.

Johnson	Lewis
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company, in the county of Rockland,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Robertson	Winslow
Allen	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Harrower	McGowan	Wagner	J. Wood
Bowen	Johnson	Perry	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the towns of Portland, Chautauqua, Sherman, Clymer, or adjoining towns in the county of Chautauqua, to issue bonds in aid of the Buffalo, Corry and Pitts-

burgh Railroad Company, and to take bonds of said company therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Tiemann	D. P. Wood
Allen	Foster	McGowan	Wagner	J. Wood
Chatfield	Harrower	Perry	Weismann	Woodin
Cock	Johnson	Robertson		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel, required to be employed on behalf of the State, in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Weismann
Allen	Chatfield	Harrower	Perry	Winslow
Baker	Cock	Lewis	Robertson	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	Woodin

20

## FOR THE NEGATIVE.

Johnson	Tiemann
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the improvement of First street and Kent avenue, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Dickinson	McGowan	Wagner	J. Wood
Benedict	Foster	Perry	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Winslow
Baker	Cock	Lowery	Wagner	D. P. Wood
Benedict	Foster	McGowan	Weismann	Woodin
Bowen	Harrower			

17

## FOR THE NEGATIVE.

Dickinson	Lewis	Tiemann	J. Wood	
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county, for the year 1872, may be fixed, set apart and appropriated, and provide further regulations in respect thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Baker	Cock	Lewis	Robertson	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	McGowan	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend certain provisions of law relating to wharves, piers, and bulk-heads in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Allen	Cock	Lord	Tiemann	D. P. Wood
Baker	Dickinson	Lowery	Wagner	J. Wood
Benedict	Graham	Perry	Weismann	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate the New York and South America Contract Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Wagner	D. P. Wood
Baker	Harrower	Robertson	Weismann	J. Wood
Benedict	Lewis	Tiemann	Winslow	Woodin
Bowen	Lord			

17

## FOR THE NEGATIVE.

Chatfield	Dickinson	Johnson		
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district No. 3, in the town of Dannemora," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.				
Adams	Chatfield	Johnson	Perry	Winslow
Allen	Dickinson	Lewis	Robertson	D. P. Wood
Baker	Foster	Lowery	Wagner	J. Wood
Benedict	Graham	McGowan	Weismann	Woodin
Bowen	Harrower			
				22
FOR THE NEGATIVE.				
Tiemann				1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to confirm the election of game constable in the several towns of Lewis county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.				
Adams	Bowen	Harrower	Robertson	Winslow
Allen	Chatfield	Johnson	Tiemann	D. P. Wood
Baker	Cock	Lowery	Wagner	J. Wood
Benedict	Foster	Perry	Weismann	
				19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.				
Adams	Bowen	Foster	Robertson	Winslow
Allen	Chatfield	Graham	Tiemann	D. P. Wood
Baker	Cock	Harrower	Wagner	J. Wood
Benedict	Dickinson	Lewis	Weismann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act in relation to the improvement of the Eighth avenue in the city of New York," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Robertson	D. P. Wood
Baker	Foster	Lewis	Tiemann	J. Wood
Benedict	Graham	Lowery	Wagner	Woodin
Chatfield	Harrower	O'Brien	Weismann	19

## FOR THE NEGATIVE.

Winslow

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across the bridges over the streams in the town of Ellisburgh in the county of Jefferson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Robertson	Winslow
Baker	Cock	Lewis	Tiemann	D. P. Wood
Benedict	Dickinson	Lowery	Wagner	J. Wood
Bowen	Foster	Perry	Weismann	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to establish a rapid transit steam ferry between Westchester county and New York city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act for the relief of the New York Tunnel Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the Peekskill Ferry, Dock and Transportation Company," reported in favor of the passage of the same.

On motion of Mr. Robertson, and by unanimous consent, said bill was ordered to a third reading.

Mr. Winslow, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Brevoort Savings Bank of the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Lewis offered the following :

*Resolved*, That the committee on canals of the Senate be, and are hereby authorized to sit during the recess of the Senate in the city of

Albany, and at such other places in this State as they may deem necessary, for the purpose of taking testimony in the matter of the resolution passed February 14, 1872, by the Canal Board, asking the Legislature to make "a full and searching investigation of the whole question of canal management and finances, to the end that some policy may be adopted by means of which fraud may be prevented, extravagant expenditure stopped, and receipts increased so as, in some measure, to relieve the people from taxation, restoring the canals to their former position of usefulness and profit to the State and people." Said committee shall have authority to require the attendance of the sergeant-at-arms of the Senate, or of his assistant, at its sittings; also, the stenographer of the Senate; or, in case he cannot attend, they may employ another in his place; and said committee may also employ a messenger. They shall also have power to summon witnesses, administer oaths, and require the production of all necessary books and papers that they may deem proper for the purposes of such investigation. They shall also have authority to print the evidence taken from time to time, and shall make full report to the Senate at its next regular session of the result of their investigation, with such recommendations for attaining the object of said resolution as they may deem proper.

Mr. Lord moved that said resolution be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lowery	Wagner	D. P. Wood
Allen	Dickinson	McGowan	Weismann	J. Wood
Baker	Johnson	Perry	Winslow	Woodin
Benedict	Lewis	Tiemann		

18

FOR THE NEGATIVE.

Chatfield	Cock	Foster	Lord
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4

Mr. Chatfield asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the negative.

Mr. Chatfield subsequently voted in the negative.

Mr. Bowen called from the table the following concurrent resolution:

*Resolved* (if the Senate concur), That 20 copies of the annual report of the Transactions of the American Institute of the city of New York, for the year 1871, be printed for each member, officer and reporter of the Legislature; 1,500 copies for the use of said institute; 20 copies for each county agricultural society, in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly; 10 copies for each town or union agricultural society, and 50 copies for the Regents of the University, and that the said report be bound in the same manner as last year, and distributed as designated without delay.

Mr. D. P. Wood moved the following as a substitute:

*Resolved* (if the Assembly concur), That 1,500 copies of the annual report of the Transactions of the American Institute of the city of New York, for the year 1871, be printed for the use of said institute, and 50 copies for the use of the Regents of the University, and that said report be bound in muslin.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Graham	Johnson	Lowery	Robertson	
Chatfield	Harrower	Lord	McGowan	D. P. Wood	
Dickinson					11

## FOR THE NEGATIVE.

Allen	Bowen	Lewis	Wagner	J. Wood	
Baker	Cock	Palmer	Weismann	Woodin	
Benedict	Foster	Tiemann	Winslow		14

The hour of six o'clock having arrived, the Senate took a recess until half-past seven o'clock, P. M.

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SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Wagner, from the committee on railroads, to which was referred the Assembly bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Weismann asked and obtained leave to introduce a bill entitled "An act in relation to janitors of civil and police courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Palmer offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return of Senate bill No. 285, being a bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat."

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. D. P. Wood, from the committee on finance, to which was referred the following resolutions:

*Resolved* (if the Senate concur), That section 8 of article 7 of the Constitution of this State be amended so to read as follows:

"§ 8. No money shall ever be paid out of the treasury of this State, or any of its funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by

the corporate authorities of any county, city, town or other municipal organization to, or in favor, or aid of any institution, association or object, which is under ecclesiastical or sectarian management or control."

*Resolved* (if the Senate concur) That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 18 of the Constitution, it be published for three months previous to the time of such election.

Reported in favor of the passage of the same, with amendments, and said resolutions were committed to the committee of the whole.

On motion of Mr. D. P. Wood, the Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said named resolutions; and, after some time spent therein, Mr. Allen, from said committee, reported in favor of the passage of the same, with amendments.

Mr. Murphy moved to amend by striking out the first resolution. The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Benedict	Foster	Johnson	Lord	Murphy	7
Cock	Harrower				

FOR THE NEGATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow	
Allen	Dickinson	McGowan	Tiemann	D. P. Wood	
Baker	Graham	Madden	Wagner	J. Wood	
Bowen	Lewis	Palmer	Weismann	Woodin	20

The President then put the question whether the Senate would agree to said report of the committee of the whole, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow	
Allen	Dickinson	McGowan	Tiemann	D. P. Wood	
Baker	Graham	Madden	Wagner	J. Wood	
Benedict	Harrower	Palmer	Weismann	Woodin	
Bowen	Lewis				23

FOR THE NEGATIVE.

Cock	Foster	Johnson	Lord	Murphy	5
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*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The President annouced that at the time of adjournment the question pending was the resolution relative to the printing and distribution of the report of the American Institute.

Mr. D. P. Wood moved to amend by striking out the word "twenty" wherever it occurs, and inserting in lieu thereof the word "ten."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Lowery	Murphy	Wagner	
Dickinson	Harrower	McGowan	Palmer	Weismann	
Foster	Johnson	Madden	Robertson	D. P. Wood	15

## FOR THE NEGATIVE.

Allen	Chatfield	Lewis	Tiemann	J. Wood
Baker	Cock	Lord	Winslow	Woodin
Bowen				

11

Mr. Bowen moved to amend by striking out the words "members of the Legislature," and inserting in lieu there of the words "county, town, and union agricultural societies."

Mr. Palmer moved to amend by adding the word "ten."

The President put the question whether the Senate would agree to aid motion of Mr. Palmer, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Bowen, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Wagner	D. P. Wood
Baker	Cock	Lewis	Weismann	J. Wood
Bowen	Foster	Tiemann		

18

## FOR THE NEGATIVE.

Adams	Lord	McGowan	Palmer	Winslow
Graham	Lowery	Murphy	Robertson	Woodin
Johnson				

11

Mr. Murphy moved to substitute the original resolution as reported.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Lewis	Tiemann	Winslow
Baker	Cock	Lord	Wagner	J. Wood
Bowen	Harrower	Murphy	Weismann	Woodin

15

## FOR THE NEGATIVE.

Adams	Foster	Johnson	McGowan	Robertson
Dickinson	Graham	Lowery	Madden	D. P. Wood

10

Mr. Madden moved to lay said resolution upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tiemann moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Madden moved to take from the table the veto of the Governor of the bill entitled "An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question, "Shall this bill pass notwithstanding

ing the objections of the Governor?" and it was decided in the negative, two-thirds of all the Senators present and voting, not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Wagner	J. Wood	
Baker	Graham	Madden	Weismann	Woodin	
Bowen	Harrower	Robertson	Winslow		14

## FOR THE NEGATIVE.

Allen	Cock	Lord	Palmer	Tiemann	
Chatfield	Johnson	Murphy			8

Mr. Wood asked to be excused from voting.

The President put the question whether the Senate would agree to said request, and it was decided in the affirmative.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Rochester Water Company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson moved that the Assembly bill entitled "An act to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland," be recommitted to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting him to return to this House, for amendment, Assembly bill No. 718, entitled "An act to incorporate the Genesee Valley Water-works Company."

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act relating to the marine court in the city of New York, declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court."

*Ordered*, That the Clerk return said bill to the Assembly.

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting the return of Assembly bill No. 925, entitled "An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities in the county of Kings," for amendment.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered



to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to provide for the collection of assessments against Prospect park and the Parade grounds in the county of Kings."

"An act to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue, in said town."

"An act to enable the Astoria and Hunter's Point Railroad Company to extend their road."

"An act to amend an act entitled 'An act to facilitate the construction of the New York and Oswego Midland railroad, and to amend the several acts in relation thereto,' passed March 26, 1868."

"An act to incorporate the German-American Mutual Warehousing and Security Company."

"An act to incorporate the Manhattan Mercantile Association of New York."

"An act in relation to the College of the city of New York."

"An act to authorize the Board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river at Cohoes, for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter 543 of the Laws of 1870."

"An act to provide for the construction and improvement of the road, from Piseco lake to Claffin's tannery, in the county of Hamilton."

"An act in relation to the Brooklyn Club."

"An act to provide for the construction of a canal bridge over the Erie canal at Madison street in the city of Rome."

"An act in relation to Fordham and Pelham avenues, in the towns of West Farms and Westchester, in the county of Westchester."

"An act relative to the North Park Railroad Company."

"An act to amend an act entitled 'An act to amend the charter of the Buffalo Orphan Asylum,' passed 2, 1872."

"An act to alter the map or plan of the city of New York."

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn, N. Y."

"An act to amend the charter of the Reserve Mutual Life Insurance Company."

"An act to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica."

"An act to amend an act entitled 'An act to open and widen portions of Sackett, Douglass, and President streets, and otherwise alter the commissioners' map of the city of Brooklyn,' passed May 6, 1868"

"An act to empower the levying of a tax on Union School District No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of town commissioner for said district."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bills entitled as follows:

"An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements."

"An act to supply the village of Warren, in the county of Warren, with pure and wholesome water."

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834."

"An act to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn, and to establish rates of ferriage thereon and to regulate the running of said ferries."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Lewis offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return to the Senate of Senate bill No. 154, entitled "An act to incorporate the German Mutual Evangelical Protestant Synod of the East," for amendment.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

On motion of Mr. Johnson, the Senate adjourned.

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## SATURDAY, MAY 11, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Snively.

Reading of the journal of yesterday dispensed with.

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide means for draining the sinks in the towns of Clarence and Amherst, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend section 3 of chapter 533 of the Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company,' which was read first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to incorporate the East Side Association of the city of New York,' passed May 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act regulating the sale of intoxicating liquors in the city of New

York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act relating to records in the office of the district attorney of the city and county of New York, and the clerk of the court of general sessions of the peace, and the court of oyer and terminer in said city and county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to establish a turnpike corporation for improving and making a road from the village of Newburgh, on the Hudson river, to Cohecton, on the Delaware river,' passed March 20, 1801, and in relation to toll-gates and toll upon the turnpike road of said corporation,' passed May 2, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to authorize the construction of a railroad from the village of Olean to the Erie railway depot at Olean,' passed May 7, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the fire department of the village of Watkins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the United States Loan and Security Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866,' and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to authorize the Canal Board to hear and determine the claim of Joseph Philbrick and Milo M. Spicer for damages to their canal boat 'John J. Wright,' her cargo and furniture, and for the delay arising therefrom, occasioned by the dam at Fort Miller being out of repair, and a break therein, in the year 1869, and to award damages therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend section 4, title 7 of chapter 25 of the Laws of 1870, entitled 'An act to incorporate the city of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the Dairymen's Manufacturing Association of Perth," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

On motion of Mr. Lowery, and by unanimous consent, the Assembly bill entitled "An act to amend section 4, title 7, chapter 25 of the Laws

of 1870, entitled 'An act to incorporate the city of Rome,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lowery	Robertson	Winslow	
Allen	Cock	Madden	Tiemann	D. P. Wood	
Baker	Dickinson	Palmer	Wagner	J. Wood	
Benedict	Foster	Perry	Weismann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows:

*Resolved*, That a message be sent to the Senate to inform them that this House has appointed managers to conduct the impeachment against George G. Barnard, a justice of the supreme court of the State of New York, and has directed the said managers to carry to the Senate the articles agreed upon by this House to be exhibited in maintenance of their impeachment against said George G. Barnard; and that the Clerk of the House do go with said message.

The Assembly returned the following entitled bills, with a message that they do non-concur in the passage of the same.

"An act relating to consents for bonding towns to aid in the construction of the Lake Ontario Shore railroad."

"An act to alter the map or plan of the city of New York, by extending Desbrosses street."

The committee of conference on the disagreement between the Senate and Assembly relative to the bill being an act entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution," recommend that the Senate concur in the amendment of the Assembly in relation to the salary of the county judge of Orange county, and the county judge and surrogate of Sullivan county, and that the Assembly recede from its amendments in relation to the salary of the county judge and surrogate of Seneca county; that the salary of the county judge and surrogate of Fulton county be fixed at \$2,250; that the Assembly recede from the amendment adopting the sixth section.

ROBT. H. STRAHAN,  
GEO. K. CARROLL,  
C. S. LINCOLN,  
S. W. BUELL,  
C. P. VEDDER,  
*Assembly Committee.*

JAMES WOOD,  
D. P. WOOD,  
HENRY C. MURPHY,  
*Senate Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Adams	Cock	Harrower	Lowery	Winslow	
Allen	Dickinson	Johnson	Perry	D. P. Wood	
Bowen	Foster	Lewis	Wagner	J. Wood	
Chatfield	Graham	Lord	Weismann	Woodin	20

## FOR THE NEGATIVE.

Baker  
Benedict

Madden

Palmer

Robertson

Tiemann

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870," with a message that they had passed the same with the following amendments:

"SECTION 1. Section 8 of chapter 689 of the Laws of 1870, entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870,' is hereby amended so as to read as follows: 'The stockholders of the company incorporated under this act shall be severally and individually liable to the creditors of the company only to an amount equal to the amount unpaid upon the capital stock held by them respectively for all debts and contracts made by such company, and the corporation hereby created shall be subject to the provisions of titles 3 and 4, chapter 18, part 1 of the Revised Statutes.'"

Change the numbers of sections 1 and 2 to 2 and 3.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams  
Allen  
Baker  
ChatfieldDickinson  
Graham  
Harrower  
LewisLowery  
McGowan  
MaddenWagner  
Weismann  
WinslowD. P. Wood  
J. Wood  
Woodin

17

## FOR THE NEGATIVE.

Benedict

Tiemann

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for the expenses of the same," with a message that they had consented to a committee of conference thereon, and appointed as such committee, on the part of the Assembly, Messrs. Oakley, Prince, Marcy, Tucker, and Buckley.

Mr. Chatfield, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Elmira,' passed April 7, 1864, and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Adams, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Baker, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same was read a third time.

The President put the question whether the Senate would agree to



the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lowery	Robertson	D. P. Wood	
Bowen	Graham	Madden	Weismann	J. Wood	
Chatfield	Harrower	Palmer	Winslow	Woodin	
Cock	Lord	Perry			18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Adams, from the select committee of nine, reported the following entitled bills complete:

Assembly, "An act to amend 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' passed April 13, 1860."

Assembly, "An act for the suppression of the sale of prize packages."

"An act to incorporate the Rochester Water Company."

Assembly, "An act in relation to certain suits and proceedings by and against the late Metropolitan fire department."

Assembly, "An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange, and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie excepting the city of Buffalo."

Assembly, "An act to legalize the official acts and proceedings of Samuel F. Powell, a justice of the peace of the town of Coeymans, in the county of Albany."

Assembly, "An act to incorporate the proprietors of the Shinnecock Hills and lands in the town of Southampton, Suffolk county."

Assembly, "An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor in the county of Albany,' passed April 4, 1849."

Assembly, "An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings."

Assembly, "An act in relation to dower, and to actions and proceedings for the recovery of dower."

Assembly, "An act to incorporate the New York Homœopathic Surgical Hospital in the city of New York."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870, amended April 25, 1871, and January 12, 1872," report that they have met and deliberated thereon, and recommend that the Senate concur in all the amendments of the Assembly to the said entitled bill, except sections three and sixteen, and that said sections be amended so as to read as follows:

Section 16. Section 12 of title 11 is hereby amended by adding at the end of said section the following: "The superintendent of education shall



appoint a clerk who shall be well versed in the German as well as the English language, who shall receive a salary of \$1,200 per year; nothing herein shall authorize but one clerk of said department."

Section 3 in said bill was amended as follows:

By striking out the following words at the end of said section: "The water commissioners shall receive a salary not to exceed fifteen hundred dollars."

L. L. LEWIS,  
C. H. ADAMS,  
TOWNSEND D. COCK,  
*Senate Committee.*

F. A. ALBERGER,  
GEO. BALTZ,  
GEO. CHAMBERS,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Winslow
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Graham	Lowery	Wagner	D. P. Wood
Benedict	Harrower	McGowan	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

On motion of Mr. Baker, the committee of the whole was discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855," and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Weismann
Allen	Dickinson	McGowan	Robertson	Winslow
Baker	Graham	Madden	Tiemann	J. Wood
Bowen	Harrower	Palmer	Wagner	Woodin
Chatfield				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Tiemann, and by unanimous consent, the bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York for the use of their small cars only," was ordered to be considered in the first committee of the whole.

On motion of Mr. Dickinson, and by unanimous consent, the bill entitled "An act for the improvement of the main, middle, and north branches of Grass river," was ordered to be considered in the first committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the Peekskill Ferry, Dock and Transportation Company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release to John Schafer the right, title and interest of the people of the State of New York, in and to certain real estate in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Lewis, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Harrower asked and obtained leave to introduce a bill entitled "An act to amend chapter 925 of the Laws of 1871, entitled 'An act to amend chapter 907 of the Laws of 1869, and also to amend said chapter 907 of the Laws of 1869, entitled An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, and for other purposes, so far as the same is applicable to the Sodus Bay and Corning Railroad Company under its present or former corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. D. P. Wood moved that the Assembly bill entitled "An act making appropriations for certain expenses of government and for supplying deficiencies in former appropriations," do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill having been announced for a third reading,

On motion of Mr. Murphy, and by unanimous consent, said bill was amended as follows:

Insert as new paragraph the following:

"For compensation to the members of the court for the trial of im-

peachments, other than the judges of the court of appeals, which members shall receive for their services while actually attending the sittings of the court, when summoned, the same rate of compensation as the judges of the court of appeals (other than the chief judge) are entitled by law to receive for their services and expenses for the same time, twenty-five thousand dollars, or so much thereof as may be necessary.

On motion of Mr. D. P. Wood, and by unanimous consent, said bill was amended as follows:

Insert as new paragraph:

"For A. S. Burdick, clerk of committee on apportionment, thirty-five dollars."

Mr. Winslow moved to recommit the bill with instructions to amend as follows:

After the word "canals," insert the word "banks."

Amend the paragraph relative to clerks of committees, by inserting after the word "canals," the word "banks."

The President put the question whether the Senate would agree to said motion of Mr. Winslow, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bowen	Winslow	J. Wood	3
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FOR THE NEGATIVE.

Allen	Graham	Lord	Perry	Weismann
Benedict	Harrower	Lowery	Robertson	D. P. Wood
Chatfield	Johnson	McGowan	Wagner	Woodin
Dickinson	Lewis	Palmer		18

Mr. Winslow moved to recommit, with instructions to insert the amendment just lost, amended so as to give the persons named one hundred dollars.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bowen	Winslow	2
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FOR THE NEGATIVE.

Allen	Lewis	Madden	Tiemann	D. P. Wood
Chatfield	Lowery	Palmer	Wagner	J. Wood
Johnson	McGowan	Robertson	Weismann	Woodin
				15

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Bowen	Harrower	Palmer	Wagner	Woodin
Chatfield	Lewis			22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. J. Wood offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return, for amendment, of Senate bill No. 244, entitled "An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871."

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

A message from the Governor was received and read, in the words following :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *May* 11, 1872. }

*To the Senate :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 285, entitled "An act relative to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lowery	Robertson	Winslow
Allen	Cock	McGowan	Tiemann	D. P. Wood
Baker	Dickinson	Madden	Wagner	J. Wood
Benedict	Lewis	Perry	Weismann	Woodin
Bowen				

21

Mr. Palmer moved that the bill be recommitted to the committee on the affairs of cities, with power to report at any time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen moved to call up the resolution relative to printing under consideration at the hour of adjournment last evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bowen moved to reconsider the vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced the question to be upon the adoption of the original report.

Mr. D. P. Wood moved to amend as follows :

"The Comptroller shall advertise for proposals for printing, binding and furnishing said reports complete, including lithographing, engraving and all other expenses, and shall let the same to the lowest bidder, unless in his opinion the State printer is entitled to said work under his contract."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lord moved to amend by inserting the following words: "that Weed, Parsons & Co. be excluded from this work under any circumstances, whether their bid therefor be the lowest or not, on account of their corruption of the Legislature."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Cock	Lord	Tiemann			3
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FOR THE NEGATIVE.

Adams	Bowen	Lewis	Robertson	D. P. Wood	
Allen	Chatfield	Lowery	Wagner	J. Wood	
Baker	Dickinson	Madden	Weismann	Woodin	
Benedict	Graham	Palmer	Winslow		19

Mr. Lowery moved that the further consideration of the subject be indefinitely postponed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Harrower	Lowery	Robertson	Tiemann	
Foster	Lord	Madden			8

FOR THE NEGATIVE.

Allen	Chatfield	Lewis	Wagner	D. P. Wood	
Baker	Cock	McGowan	Weismann	J. Wood	
Benedict	Graham	Palmer	Winslow	Woodin	
Bowen	Johnson	Perry			18

Mr. Tiemann moved to amend by adding the words: "that in the opinion of the Legislature it is inexpedient to continue the printing of these reports."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Dickinson	Lord	Madden	Robertson	Tiemann	
Foster	Lowery				7

FOR THE NEGATIVE.

Adams	Bowen	Johnson	Wagner	J. Wood	
Allen	Chatfield	Lewis	Weismann	Woodin	
Baker	Graham	McGowan	D. P. Wood		14

Mr. D. P. Wood moved to strike out the words "officers and reporters," and insert in lieu thereof the words "clerks of both Houses and President of the Senate."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Johnson moved to amend as follows: "And all books ordered by this resolution shall be delivered to the Secretary of State on or before the first day of November next."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Wagner	D. P. Wood
Allen	Chatfield	Lewis	Weismann	J. Wood
Baker	Cock	Palmer	Winslow	Woodin
Benedict	Graham			

17

## FOR THE NEGATIVE.

Dickinson	Harrower	Lowery	Madden	Tiemann
Foster	Lord	McGowan	Robertson	

9

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Bowen moved to take from the table the following resolution :

*Resolved*, (if the Senate concur), That 20 copies of the Transactions of the New York State Agricultural Society, for the year 1871, be printed for each member, officer and reporter of the Legislature ; 1,500 copies for for the use of the society ; 20 copies for the county agricultural society in each county electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly ; 15 copies for each town and union agricultural society ; 420 copies for the American Institute in the city of New York, and 100 copies for the Regents of the University, and that the said report be bound in the same manner as last year, and distributed as above provided, without delay.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis moved that this resolution be made to conform to the resolution relative to printing the report of the American Institute.

Mr. Lowery moved to amend as follows :

“ That 2,000 copies of the Transactions of the New York State Agricultural Society for the year 1871 be printed for the use of the society, and 100 copies for the Regents of the University, and that the said report be bound in the same manner as last year, and distributed as above provided, without delay.”

The President put the question whether the Senate would agree to said motion of Lowery, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Lewis, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Robertson	D. P. Wood
Allen	Chatfield	Lewis	Wagner	J. Wood
Baker	Cock	McGowan	Weismann	Woodin
Benedict	Foster	Palmer	Winslow	

19

## FOR THE NEGATIVE.

Dickinson	Lord	Madden	Perry	Tiemann
Harrower	Lowery			

7

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Bowen moved to take from the table the following resolution :

*Resolved* (if the Senate concur), That there be printed of the Transactions of each of the medical societies of this State, viz. : The New York



State Medical Society, the Homœopathic State Medical Society, and the Eclectic State Medical Society, 10 copies for each member, officer and reporter of the the Legislature; also, 5,000 copies of the Transactions of the New York State Medical Society of 1871, for the use of said society, and 2,000 copies of the Transactions of the Homœopathic State Medical Society of 1871, for the use of said Homœopathic Medical Society, and 2,000 copies of the Transactions of the Eclectic State Medical Society of 1871, for the use of said Eclectic Medical Society.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood moved the following as a substitute:

Strike out all after the word "concur," and insert the following:

"That there be printed 4,000 copies of the Transactions of the New York State Medical Society of 1871 for the use of said society; and 500 copies for the use of the Homœopathic State Medical Society; and 2,000 copies of the Transactions of the Homœopathic State Medical Society of 1871 be printed for the use of said society; and 1,500 copies of the Transactions of the Eclectic State Medical Society of 1871 be printed for the use of said society, and that all of said above named be bound in cambric."

Mr. Weismann moved to amend by reducing the number of copies of the report of the Eclectic Medical Society to 1,000.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Lewis moved to amend so as to provide for the distribution to members and clerks as provided in other resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said substitute of Mr. D. P. Wood, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Robertson	Winslow
Allen	Cock	McGowan	Wagner	J. Wood
Baker	Harrower	Palmer	Weismann	Woodin
Bowen	Johnson			

17

#### FOR THE NEGATIVE.

Dickinson	Graham	Lowery	Tiemann	D. P. Wood
Foster	Lord	Perry		

8

*Ordered*, That the Clerk return said resolution to the Assembly, with a mesage informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Johnson offered the following:

*Resolved*, That when the Senate adjourds this day it adjourn to meet at half-past seven o'clock Monday evening.

The President put the question whether the Senate would agree to said resolution, and it was decided in the negative.

On motion of Mr. Lewis, and by unanimous consent, the bill entitled "An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county, by providing for the audit and payment of additional claims,'" was ordered considered in the first committee of the whole.

The Assembly returned the Assembly bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," with a message that they do not concur in the amendments of the Senate to said bill, and request a conference committee thereon, and have appointed as such committee, on the part of the Assembly, Messrs. Alvord, Kennedy, Fort, White and D. B. Hill.

The President announced as such committee Messrs. D. P. Wood, Adams and Lord.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have appointed a committee of conference thereon.

The committee of conference appointed on the part of the Senate and Assembly to consider the matters of difference between the two Houses on Assembly bill No. 796, Senate bill No. 520, entitled "An act to authorize a tax of seven-tenths of a mill per dollar of valuation of the year 1872, for the construction of new work upon, and extraordinary repairs of the canals of the State," having duly considered the same, have agreed to and recommend the adoption of the following:

That the House concur in all the amendments of the Senate except the following, which the Senate recede from: on page 4, line 4, of original bill, strike out the words "nine thousand seven hundred and fifty," and insert in lieu thereof the words "seven thousand five hundred." And the said committees, in conference, agree to add to line 11, page 5 of engrossed bill, the following words: "which work may be done by the Canal Commissioner in charge, through his superintendents or by contract, in his discretion."

And the Senate recede from amendment on page 8, lines 1, 2, 3 and 4 of original bill, as follows: "Strike out paragraph appropriating fifteen hundred dollars for channel of Cowaselon creek, in the town of Lenox, county of Madison."

L. L. LEWIS,  
GEO. BOWEN,  
J. LORD,

*Senate Committee.*

DANIEL G. FORT,  
T. G. ALVORD,  
E. W. HOLLISTER,  
GEO. M. SWAIN,  
GEO. B. MOSHER,

*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Weismann
Allen	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	J. Wood
Benedict	Graham	Lowery	Wagner	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

The Assembly sent for concurrence the following entitled bill:

"An act to extend the time for the collection of taxes in the village of Richfield Springs, in the county of Otsego," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. McGowan, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Lewis	Madden	Weismann	
Allen	Dickinson	Lord	Palmer	D. P. Wood	
Baker	Graham	Lowery	Tiemann	J. Wood	
Benedict	Harrower	McGowan	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the Senate bill entitled "An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements, and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for producing abortion, and to amend and revise chapter 430 of the Laws of 1868," with a message that they had passed the same with the following amendment :

Amend title by striking out the words "amend and revise," and insert the word "repeal."

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Dickinson	Lowery	Wagner	D. P. Wood	
Baker	Foster	Palmer	Weismann	J. Wood	
Bowen	Graham	Perry	Winslow	Woodin	
Chatfield	Harrower	Tiemann			18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the rights of suffrage thereat," with power to report complete, reported the same complete, with the following amendments :

Section 7, on line 2, strike out the words "within thirty days after its organization" and insert the words "on or before the 1st day of August, eighteen hundred and seventy-two."

On page 5, in copy of "register of voters" strike out column headed "age."

Section 13, add to end of section the following : "and that no inspector of election or poll clerk shall be transferred from one election district to another after he has entered upon the performance of his duties."

Section 16, add after the word "police" on line 4, the words "or his successor or their successors."

Section 18, strike out the words "or poll clerk" on line 2.

Section 21, add to end of subdivision 1 the following : "but in case of

a failure to so organize within fifteen minutes after the time fixed for the meeting the chairman shall be selected by lot." Also, on line 10 of subdivision 2, strike out the words "there are on" and insert the words "there are or." Also strike out all of line 41. Also on line 43, strike out the word "sixth" and insert the word "fifth." Also on line 44, strike out the word "seventh" and insert the word "sixth." Also on line 48, strike out the word "eighth" and insert the word "seventh." Also on line 49, strike out the word "ninth" and insert the word "eighth." Also on line 52, strike out the word "tenth" and insert the word "ninth." Also on line 56, strike out the word "eleventh" and insert the word "tenth." Also on line 63, strike out the word "twelfth" and insert the word "eleventh." Also on line 19, strike out the words "age at nearest birthday."

Section 23, on line 81, strike out the word "age."

Section 30, after the word "shall," on line 24, insert the words "by a coincidence in respect to said name and facts."

Section 33, on line 5, strike out the word "tried" and insert the word "convicted." Also on line 6, after the word "respectively," insert the words "of an offense punishable by death or imprisonment in a State prison." Also on line 8, strike out the words "whether convicted or not."

Section 34, strike out all of said section.

Section 38, of printed bill, after the word "manner," on line 3, insert the word "than."

Section 43, after the word "made," on line 4, insert the words "for any such portion of said city and county."

Section 45, on line 8, after the word "said," strike out the word "two."

Section 54, on line 26, after the word "between" insert the words "two of." Also, on line 41, make to read "corresponding," instead of "corresponing."

Section 57, on line 23, strike out the words "county clerk," and insert the word "mayor."

Section 58, strike out the words "and tallies" wherever they occur; and to end of section add the following: "one of the poll clerks shall deliver to the mayor the tallies directed to him, and the other poll clerk shall deliver to the chief of the bureau of elections the tallies directed to him."

Section 61, add to end of section the following: "and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof, or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the comptroller before any payment for his services shall be made."

Section 62, add to end of section: "and when so opened the presiding officer of the said board shall mark each separate sheet of the statement with the initials of his name."

Section 63, on line 2, strike out the words "for one year or," and in line 5 strike out the word "tallies."

Section 77, after the word "such," at end of section, in engrossed bill, add words of printed bill as follows: "offense shall be punished by imprisonment in a State prison for not less than one or more than three years."

Section 86, strike out all of said section.

Section 88, strike out all after the word "act" on line 3.

Section 90, line 5, strike out the word "knowingly" and insert the word "wilfully."

Section 92, on line 12, after the word "five" insert the word "daily" as in printed bill.

Section 94, on line 2, strike out the word "five" and insert the word "four." Also on same line, strike out the word "seven" and insert the word "six." Also on same line, strike out the word "forty" and insert the words "thirty-nine." Also on line 3, strike out the word "two" and insert the word "one." Also on same line, strike out the word "eight" and insert the word "seven." Also on same line, strike out the word "six" and insert the word "five." Also on same line, strike out the word "four" and insert the word "three." Also on line 4, strike out the word "nine" and insert the word "seven." Also on same line, strike out the word "two." Also on line 5, strike out the word "four" and insert the word "two." Also on line 8, strike out the word "four" and insert the word "two."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Robertson	D. P. Wood	
Allen	Foster	Madden	Wagner	J. Wood	
Baker	Graham	Palmer	Weismann	Woodin	
Bowen	Harrower	Perry	Winslow		19

#### FOR THE NEGATIVE.

Cock	Johnson	Lord	Tiemann	4
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

On motion of Mr. Benedict, and by unanimous consent, the bill entitled "An act to provide for the settlement of claims against the city and county of New York not embraced within the provisions of chapters nine and twenty-nine of the Laws of 1872," was ordered to be considered in the first committee of the whole.

On motion of Mr. Allen, and by unanimous consent, the Assembly bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes, passed April 20, 1866,'" was ordered considered in the first committee of the whole.

Mr. Baker moved that when the Senate adjourn at two o'clock to-day it adjourn until ten o'clock Monday, A. M.

Mr. Johnson moved to amend, by substituting Monday evening at half past seven o'clock.

The President put the question whether the Senate would agree to said motion Mr. Johnson, and it was decided in the negative.

Mr. Madden moved to amend by striking out the words "two o'clock."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Baker, as amended, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Johnson	Lord	Perry	
Chatfield	Graham	Lewis	McGowan	J. Wood	
Cock	Harrower				12

## FOR THE NEGATIVE.

Allen	Bowen	Palmer	Wagner	D. P. Wood	
Baker	Dickinson	Robertson	Weismann	Woodin	
Benedict	Madden	Tiemann	Winslow		14

A message from the Assembly was received and read, as follows :

*Resolved* (if the Senate concur), That the Clerk of the Assembly be directed to prepare annually and furnish, for the use of the Assembly, 1,200 copies of the Manual of Rules, Forms and Laws for the regulation of business of the Assembly, with such emendations as he may consider necessary, and which he shall dispose of in the following manner: One copy to be sent by mail to each of the members and Senators of the next Legislature, to be forwarded previous to the meeting thereof; and the remainder to be retained by the Clerk, subject to the order of the next Assembly, to be delivered to the Clerk thereof; and that he be further directed to cause Croswell's Manual, and a copy of the Constitution of the United States, and a copy of the Constitution of the State of New York to be published in the same volume with said Manual of Rules.

*Ordered*, That said resolution be laid upon the table.

Mr. Alvord, on behalf of the managers appointed by the Assembly to conduct the trial of Hon. George G. Barnard before the court of impeachment, appeared in the Senate, and delivered to the President thereof articles of impeachment preferred by the Assembly against the said George G. Barnard.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows :

"An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only."

"An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' by providing for the audit and payment of additional claims."

Assembly, "An act for the improvement of the main, middle, and north branches of Grass river."

After some time spent therein, the President resumed the chair, and Mr. Johnson, from said committee, reported in favor of the passage of the first and second named bills, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Johnson, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Dickinson, and by unanimous consent, the rule was suspended, and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Winslow
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood
Bowen	Graham	McGowan	Wagner	Woodin
Chatfield	Harrower	Madden	Weismann	24

## FOR THE NEGATIVE.

Johnson	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Madden moved that the session be extended indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Foster	Palmer	D. P. Wood
Allen	Dickinson	Madden	Winslow	Woodin
Baker				11

## FOR THE NEGATIVE.

Benedict	Johnson	Lowery	Tiemann	Weismann
Bowen	Lewis	McGowan	Wagner	J. Wood
Graham	Lord	Perry		13

The hour of two o'clock having arrived, the Senate took a recess until four o'clock, P. M.

## FOUR O'CLOCK, P. M.

The Senate again met.

Mr. Foster, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend section 3 of chapter 533 of Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company,'" reported in favor of the passage of the same.

On motion of Mr. Perry, and by unanimous consent, said bill was ordered to a third reading.

Mr. Lewis, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. McGowan, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to incorporate the Dairy-men's Manufacturing Association of Perth," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railroad from the village of Olean to the Erie railway depot at Olean,' passed May 7, 1868," reported in favor of the passage of the same.

On motion of Mr. Madden, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Cock, and by unanimous consent, the bill entitled "An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871," was ordered considered in the first committee of the whole.

On motion of Mr. Graham, and by unanimous consent, the bill entitled "An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk," was ordered considered in the first committee of the whole.

On motion of Mr. Adams, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," was ordered considered in the first committee of the whole.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county, by providing for the audit and payment of additional claims.'"

"An act to provide for the settlement of claims against the city and county of New York, not embraced within the provisions of chapters 9 and 29 of the Laws of 1872, and to facilitate the settlement and payment of claims under said chapters."

The Assembly sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to regulate, grade, and macadamize certain pieces of highway in the town of Westchester, in the county of Westchester, and known as the Fort Schuyler, Pelham Bridge, and Westchester and East Chester roads, and Union avenue,' passed May 11, 1869; also an act amendatory thereto, passed April 12, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of Daniel G. Hewitt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act in relation to completing certain work in Black Rock Harbor and at Lower Black Rock, Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to amend an act entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, and the acts amendatory thereof, passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the Peekskill Iron Company to construct and operate a narrow gauge railroad in the towns of Cortlandt, Westchester county, and Phillipstown, Putnam county," which was read the first time, and by unanimous consent was also read the second time.

On motion, and by unanimous consent, said bill was ordered to a third reading.

"An act to amend an act entitled 'An act authorizing the incorporation rural cemetery associations,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate Belmont Lodge No. 544 Independent Order of Good Templars," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend part 1, chapter 11, title 3, article 2, section 43 of the Revised Statutes, in relation to constables," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 511 of the Laws of 1870, relative to a railroad from Syracuse to Onondaga Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend chapter 412 of the Laws of 1864, entitled 'An act to amend An act to provide for the registry of liens and incumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858, and to amend chapter 279 Laws of 1833, entitled 'An act requiring mortgages of personal property to be filed in the town clerk's office,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the town of Marcellus, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the several courts of record of criminal jurisdiction in the county of Kings to sentence prisoners convicted before them to the penitentiary, in the same manner and for the same time as said prisoners may be sent to the State prison, and to provide for the transportation of such prisoners to said penitentiary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871."

"An act to provide for the settlement of claims against the city and county of New York not embraced within the provisions of chapters 9 and 29 of the Laws of 1872."

Assembly, "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866."

After some time spent therein, the President resumed the chair, and Mr. Lowery, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported in favor of the passage of the second named bill, with amendments, and have amended the title thereof by adding thereto the words "and to facilitate the settlement and payment of claims under said chapters;" which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lowery, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to authorize the city of Brooklyn to borrow money and to levy and collect a tax for the repayment of the same, to cover expenditures made by the authorities of said city in the year 1871, and to provide for certain extraordinary expenses in said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Dickinson, from the committee on the affairs of villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Watkins," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

"An act to authorize the Canal Commissioners to construct a road-bridge over the Erie canal in the town of Gates, in the county of Monroe."

Assembly, "An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk."

Assembly, "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

After some time spent therein the President resumed the chair, and Mr. Dickinson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Dickinson, from the same committee, reported in favor of the pas-

sage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Dickiason, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Graham moved that when the Senate adjourn it adjourn to meet on Monday next at ten o'clock A. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend chapter 511 of the Laws of 1870 relative to a railroad from Syracuse to Onondaga Hill," reported in favor of the passage of the same.

On motion of Mr. Madden, and by unanimous consent, said bill was ordered to a third reading.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the town of Marcellus, in the county of Onondaga," reported in favor of the passage of the same.

On motion of Mr. Madden, and by unanimous consent, said bill was ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to courts and justices in the city and county of New York," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away or suffering to be exposed, sold or given away therein of intoxicating liquors shall be prohibited, and to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act."

"An act authorizing the formation of a separate road district in the town of Jay, county of Essex."

"An act to incorporate the city of Yonkers."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bills entitled as follows:

"An act in relation to the local government of the city of New York."

"An act to authorize the New York Loan and Indemnity Company to accept and execute certain trusts."

"An act relating to the examination of candidates for the degree of doctor of medicine."

"An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870."

"An act to incorporate the Safe Deposit and Trust Company of Buffalo."

"An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867."

"An act to incorporate the Washington Park Association."

"An act establishing the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution."



"An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions, in the county of Monroe,' being chapter 46 of the Laws of 1864."

"An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for producing abortion, and to repeal chapter 430 of the Laws of 1868."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same:

"An act to amend an act entitled 'An act to incorporate the Binghamton and Port Dickinson Railroad Company.'"

"An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,' passed April 17, 1857."

"An act to amend an act entitled 'An act to incorporate the Troy Young Men's Association,' passed April 20, 1835."

"An act to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of this State."

"An act to amend an act entitled 'An act to amend an act entitled An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts,' passed May 16, 1837, passed May 11, 1869."

"An act for the relief of J. Rowe Fanning."

"An act to authorize the Canal Commissioners to construct a road bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville."

"An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870."

"An act in relation to the formation of railroad companies."

"An act to incorporate the Nyack Water-works Company."

"An act to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county for the year 1872, may be fixed, set apart, and apportioned, and provide further regulations in respect thereto."

"An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871."

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. J. Wood, and by unanimous consent, the bill entitled "An act to provide for a commission to propose amendments to the Constitution," was recommitted to the committee on the judiciary, with power to report complete.

Mr. Harrower, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to amend the several acts in relation to State prisons," reported in favor of the passage of the same, with amendments, and said bill by unanimous consent was committed to the first committee of the whole.



On motion of Mr. Benedict, and by unanimous consent, the bill entitled "An act relating to assessments and other proceedings relative to local improvements and public work in the city of New York," was ordered to be considered in the first committee of the whole.

On motion of Mr. Palmer, and by unanimous consent, the bill entitled "An act in relation to courts and justices in the city and county of New York," was ordered to be considered in the first committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of six o'clock having arrived, the President resumed the chair, and the Senate adjourned until Monday at ten o'clock, A. M.

### MONDAY, MAY 13, 1872.

The Senate met pursuant to adjournment.

No clergyman present.

Reading of the journal of Saturday dispensed with.

The President presented the report of the comptroller of the city of New York relative to certain expenditures and transactions of the new court house commissioners in the city of New York, in reply to a resolution of the Senate; which was laid on the table and ordered printed.

(See Doc. No. 92.)

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That 2,000 copies of the annual report of the Superintendent of the Banking Department on Savings Banks be printed, 500 for the use of the House, and 1,500 for the use of the Banking Department for distribution.

*Ordered*, That said resolution be laid upon the table.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That there be printed 2,000 copies of the annual report of the Canal Commissioners for the fiscal year ending September 30th, 1871, for the use of said commissioners, and that 1,000 copies of said report be bound.

*Ordered*, That said resolution be laid upon the table.

The Assembly bill entitled "An act to amend section 3 of chapter 533 of the Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Palmer	D. P. Wood
Allen	Cock	Lowery	Perry	J. Wood
Baker	Graham	Madden	Tiemann	Woodin
Benedict	Harrower			

17

FOR THE NEGATIVE.

Lewis	
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to dower, and to actions and proceedings for the recovery of dower," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	D. P. Wood
Allen	Graham	Lowery	Tiemann	J. Wood
Baker	Harrower	Madden	Wagner	Woodin
Cock	Lewis	Palmer	Winslow	

19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the New York Homœopathic Surgical Hospital, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Madden	D. P. Wood
Allen	Cock	Harrower	Tiemann	J. Wood
Baker	Dickinson	Lewis	Wagner	Woodin
Benedict	Foster	Lord		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend 'An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors,' passed April 13, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Perry	Winslow
Allen	Dickinson	Lewis	Tiemann	J. Wood
Baker	Foster	Lowery	Wagner	Woodin
Bowen	Graham	Madden		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Bowen, from the select committee of nine, reported the following entitled bills complete :

Assembly, "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement."

"An act to amend an act entitled 'An act to incorporate the Brevoort Savings Bank of the city of New York,' passed May 12, 1869."

Assembly, "An act for the improvement of Myrtle avenue in the city of Brooklyn."

Assembly, "An act to amend an act entitled 'An act to incorporate the city of Elmira,' passed April 7, 1864, and the several acts amendatory thereof."

Assembly, "An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

The Assembly bill entitled "An act to incorporate the Peekskill Ferry Dock and Transportation Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	D. P. Wood
Allen	Dickinson	Lewis	Perry	J. Wood
Baker	Foster	Lord	Tiemann	Woodin
Bowen	Graham	Lowery	Winslow	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to authorize the Canal Commissioner to construct a road-bridge over the Erie canal in the town of Gates, in the county of Monroe."

"An act to amend an act entitled 'An act in relation to the Troy water-works,' passed March 9, 1855."

"An act to authorize the Buffalo, Corry and Pittsburgh Railroad Company to extend its road and change its name."

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railroad from the village of Olean to the Erie railway depot at Olean,' passed May 7, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Winslow
Allen	Dickinson	Lewis	Palmer	D. P. Wood
Baker	Foster	Lowery	Perry	J. Wood
Benedict	Graham	McGowan	Tiemann	Woodin
Bowen				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved that the Assembly bill entitled "An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings," be recommitted to the committee on the judiciary, retaining its place on third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Adams, and by unanimous consent, the rule was suspended and the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," was ordered to a third reading.

The bill entitled "An act in relation to the publication of notices and citations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Cock	Harrower	McGowan	Wagner	
Baker	Dickinson	Lewis	Palmer	J. Wood	
Benedict	Foster	Lowery	Perry	Woodin	
Bowen	Graham				17

**FOR THE NEGATIVE.**

Adams	Tiemann				2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the Peekskill Iron Company to construct and operate a narrow guage railroad in the towns of Cortlandt, Westchester county, and Phillipstown, Putnam county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Dickinson	Lewis	Palmer	Winslow	
Baker	Foster	Lowery	Perry	D. P. Wood	
Bowen	Graham	McGowan	Tiemann	J. Wood	
Cock	Harrower	Madden	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to authorize the Canal Commissioner to construct a road-bridge over the Erie canal in the town of Gates, in the county of Monroe," was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lord	Perry	J. Wood
Baker	Foster	Lowery	Tiemann	Woodin
Bowen	Graham	McGowan	Wagner	19

## FOR THE NEGATIVE.

Lewis

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Palmer, the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lewis	Perry	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	Lowery	Wagner	Woodin
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only," having been announced for a third reading,

Mr. Dickinson moved to recommit said bill to the committee on railroads, with instructions to amend as follows :

Strike out all after the word "street," in the fourth line, down to and including the word "river" in the eighth line.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baker	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Harrower	Madden	Wagner	Woodin
Cock	Lord			
				12

## FOR THE NEGATIVE.

Adams	Bowen	Graham	McGowan	Perry
Allen	Dickinson	Lewis		
				8

Mr. Madden moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The bill entitled "An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and

claims in said city and county,' by providing for the audit and payment of additional claims," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	McGowan	Wagner
Allen	Foster	Lord	Madden	Winslow
Baker	Graham	Lowery	Tiemann	J. Wood
Bowen	Harrower			

17

FOR THE NEGATIVE.

Benedict	Dickinson	Perry
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3

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor of the county of Albany,' passed April 4, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor hereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Wagner
Allen	Dickinson	Lewis	Palmer	D. P. Wood
Baker	Foster	Lowery	Perry	J. Wood
Bowen	Graham	McGowan	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the proprietors of the Shinnecock Hills and lands in the town of Southampton, Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	McGowan	Wagner
Allen	Cock	Lewis	Madden	D. P. Wood
Baker	Foster	Lord	Perry	J. Wood
Benedict	Graham	Lowery	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concured in the passage of the same.

The Assembly bill entitled "An act to legalize the official acts and proceedings of Samuel F. Powell, a justice of the peace of the town of Coeymans, in the county of Albany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Adams	Cock	Lord	Palmer	Winslow
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Benedict	Harrower	Madden	Wagner	Woodin
Bowen				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange, and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie excepting the city of Buffalo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Palmer	Winslow
Allen	Cock	• Lord	Perry	J. Wood
Baker	Dickinson	Lowery	Tiemann	Woodin
Benedict	Harrower	Madden	Wagner	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to certain suits and proceedings by and against the late Metropolitan fire department," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	McGowan	Tiemann
Allen	Cock	Harrower	Madden	Wagner
Baker	Dickinson	Lord	Palmer	J. Wood
Benedict	Foster	Lowery	Perry	Woodin
				20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the suppression of the sale of prize packages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	Lowery	Tiemann	J. Wood
Bowen	Harrower	McGowan	Wagner	Woodin
Dickinson	Lewis			12

## FOR THE NEGATIVE.

Adams	Cock	Lord	Palmer	Winslow	
Baker	Graham	Madden	Perry	D. P. Wood	10

Mr. Bowen moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to incorporate the New York and Buffalo Oil Tankage and Transportation Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	D. P. Wood	
Allen	Dickinson	Lewis	Wagner	J. Wood	
Baker	Foster	Lowery	Winslow	Woodin	
Bowen	Graham	McGowan			18

## FOR THE NEGATIVE.

Benedict	Perry	Tiemann		3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 511 of the Laws of 1870, relative to a railroad from Syracuse to Onondaga Hill," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Foster	Lowery	Tiemann	D. P. Wood	
Allen	Graham	McGowan	Wagner	J. Wood	
Baker	Harrower	Palmer	Winslow	Woodin	
Bowen	Lord	Perry			18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the town of Marcellus, in the county of Onondaga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Winslow	
Allen	Foster	Lowery	Perry	D. P. Wood	
Baker	Graham	McGowan	Tiemann	J. Wood	
Bowen	Harrower	Madden	Wagner	Woodin	
Cock					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act providing for keeping in duplicate of certain books in the office of the clerk of the city and county of New York in which judgments and decrees are required by law to be docketed," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lewis	Perry	D. P. Wood	
Allen	Foster	Lowery	Tiemann	J. Wood	
Bowen	Graham	Madden	Wagner	Woodin	
Cock	Harrower	Palmer	Winslow		19

FOR THE NEGATIVE.

Benedict

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Winslow	
Allen	Foster	Lowery	Perry	D. P. Wood	
Baker	Harrower	McGowan	Tiemann	J. Wood	
Cock	Lewis	Madden	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the city of Elmira,' passed April 7, 1864, and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Wagner	
Allen	Dickinson	Lewis	Palmer	Winslow	
Baker	Foster	Lord	Perry	J. Wood	
Bowen	Graham	Lowery	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	D. P. Wood
Allen	Cock	Harrower	Tiemann	J. Wood
Baker	Dickinson	McGowan	Wagner	Woodin
Benedict	Foster	Madden	Winslow	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to provide for the settlement of claims against the city and county of New York, not embraced within the provisions of chapters 9 and 29 of the Laws of 1872, and to facilitate the settlement and payment of claims under said chapter," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Wagner
Allen	Dickinson	Lord	Palmer	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham			17

FOR THE NEGATIVE.

Lewis	Winslow	Woodin	3
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	McGowan	Winslow
Allen	Dickinson	Lewis	Madden	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Benedict	Harrower	Lowery	Wagner	Woodin
Bowen				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Brevoort Savings Bank of the city of New York,'" passed May 12, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Tiemann	D. P. Wood
Allen	Dickinson	Lowery	Wagner	J. Wood
Baker	Foster	Palmer	Winslow	Woodin
Benedict	Harrower			

17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read as follows :

IN ASSEMBLY, *May* 11, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to incorporate the Genesee Water-works Company."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Kennedy, and by unanimous consent, the same was amended as follows :

Insert at the end of the first section the following : "to be located and conduct its operations at Mount Morris, in the county of Livingston."

And as amended passed, and ordered sent to the Senate for concurrence.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Baker	Dickinson	Lewis	Palmer	Wagner
Benedict	Foster	Lord	Perry	J. Wood
Bowen	Graham	McGowan	Tiemann	Woodin
Cock	Harrower	Madden		

18

The President then put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Allen	Dickinson	McGowan	Tiemann	D. P. Wood
Baker	Harrower	Madden	Wagner	J. Wood
Bowen	Lewis	Perry	Winslow	Woodin
Cock	Lord			

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, as amended.

The Assembly returned the bill entitled "An act to incorporate the New York Construction Company of the city of New York," with a message that they had passed the same with the following amendments :

Section 1, line 2, between the words "and" and "Henry" insert the letter "T."

Section 3, line 1, strike out the word "one" and insert the words "two hundred." Same section, line 3, before the word "thousand" insert the word "hundred." Same line, strike out the word "ten" and insert the words "twenty-five." Same section, line 9, before the word "directors" insert the words "board of."

Section 4, line 6, strike out the word “ten” and insert the words “twenty-five.”

Insert at the end of section 9, the words following: “title 3, part 1.”

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Palmer	D. P. Wood
Baker	Dickinson	Lewis	Perry	J. Wood
Benedict	Foster	McGowan	Wagner	Woodin
Bowen	Graham	Madden		18

*Ordered,* That the Clerk return said bill to the Assembly, with a mes- sage informing that the Senate have concurred in their amendments:

The Assembly returned the bill entitled “An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868,” with a message that they had passed the same, with the following amendment:

Insert, as section 5, the following :

“§ 5 Section 8 of said act is hereby amended by adding thereto the following : ‘and said board shall also have power, under this act, to appoint such number of watchmen and detectives as may be required to protect the property and interests of said company, and to search any building or premises where a burglary is reported as having been com- mitted, with the view of ascertaining whether or not a burglary has been committed.’”

The President put the question whether the Senate would agree to concur in said amendment, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	McGowan	Perry	Wagner
Baker	Graham			7

FOR THE NEGATIVE.

Benedict	Lewis	Palmer	Tiemann	Woodin
Bowen				6

*Ordered,* That the Clerk return said bill to the Assembly, with a mes- sage informing that the Senate have non-concurred in their amendment.

A message from the Governor was received and read, in the words fol- lowing :

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, May 11, 1872. }

*To the Senate :*

In compliance with a concurrent resolution of the Senate and Assem- bly, I herewith return, for the purpose of amendment, Senate bill No. 154, entitled “An act to incorporate the German United Evangelical Protestant Synod of the East.”

JOHN T. HOFFMAN.

The Peresident put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Tiemann	D. P. Wood
Allen	Cock	McGowan	Wagner	J. Wood
Baker	Foster	Palmer	Winslow	Woodin
Benedict	Harrower			

17

On motion of Mr. Lewis, said bill was amended as follows:

Section 3, line 4, after the word "bequest" insert the words "subject to all provisions of law relating to devises and bequests by last will and testament."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lewis	Perry	Winslow
Allen	Cock	Lowery	Tiemann	D. P. Wood
Baker	Graham	McGowan	Wagner	Woodin
Benedict	Harrower	Palmer		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. D. P. Wood called from the table the following resolution:

*Resolved* (if the Senate concur), That the Clerk of the Assembly be directed to prepare annually and furnish, for the use of the Assembly, 1,200 copies of the Manual of Rules, Forms and Laws for the regulation of business of the Assembly, with such emendations as he may consider necessary, and which he shall dispose of in the following manner: One copy to be sent by mail to each of the members and Senators of the next Legislature, to be forwarded previous to the meeting thereof; and the remainder to be retained by the Clerk, subject to the order of the next Assembly, to be delivered to the Clerk thereof; and that he be further directed to cause Croswell's Manual, and a copy of the Constitution of the United States, and a copy of the Constitution of the State of New York to be published in the same volume with said Manual of Rules.

Mr. D. P. Wood moved to amend by striking out the word "annually," and inserting, after the word "clerk," in line 15, the following words: "one-fourth thereof to be delivered to the Clerk of the Senate, and the residue thereof be."

Mr. Madden moved to amend by striking out "\$1,200," and inserting in lieu thereof "\$300, at a cost of not more than one dollar each."

Mr. Benedict moved to amend by omitting from the printed copies the words "the Contstitution of the United States and of the State of New York."

The President put the question whether the Senate would agree to said motion of Mr. Benedict, and it was decided in the negative.

The President then put the quetion whether the Senate would agree to said motion of Mr. Madden, and it was decided in the affirmative.

Mr. Benedict moved to amend as follows: "and that the book be paged continuously."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Allen moved that the preparation of the book be under the supervision of the committee on literature of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	D. P. Wood
Allen	Dickinson	Lowery	Wagner	J. Wood
Baker	Foster	Madden	Winslow	Woodin
Benedict				

16

FOR THE NEGATIVE.

Bowen	Harrower	McGowan	Perry	Tiemann
Graham				

6

Mr. D. P. Wood moved to reconsider the vote, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay on the the table, and it was decided in the affirmative.

Mr. Allen offered the following :

*Resolved*, That Senate bill No. 521, G. O. 878, entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation and management thereof," be referred to the first committee of the whole not full.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, Mr. Allen asked and obtained leave to introduce a bill entitled "An act to authorize the Buffalo, Corry and Pittsburgh Railroad Company to extend its road and change its corporate name," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alen, and by unanimous consent, the rule wos suspended and said bill ordered to a third reading.

On motion of Mr. Allen, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	D. P. Wood
Allen	Cock	Lewis	Tiemann	J. Wood
Baker	Dickinson	Lowery	Winslow	Woodin
Benedict	Foster	Palmer		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Wagner
Baker	Dickinson	Lewis	Palmer	Winslow

Benedict  
Bowen

Foster  
Graham

Lowery  
McGowan

Perry  
Tiemann

D. P. Wood  
Woodin 20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Cock moved that the Assembly bill entitled "An act to incorporate the Hunter's Point and Flushing Railroad Company," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Madden moved that the Senate go into executive session at one o'clock and forty-five minutes, P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to supply deficiencies in former appropriations, and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law, and to raise money therefor, by an issue of the bonds of the State, and to provide for submitting the question thereon to the people," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide ways and means for the support of government," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. D. P. Wood, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide means to pay the canal and general fund deficiencies directed to be paid by the act chapter 700 of the Laws of 1872," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. D. P. Wood moved that the Senate resolve itself into a committee of the whole upon the last three entitled bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act to provide means to pay the canal and general fund deficiencies directed to be paid by the act chapter 700 of the laws of 1872."

"An act to provide ways and means for the support of government."

"An act to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law, and to raise money therefor by an issue of the bonds of the State, and to provide for submitting the question thereon to the people."

After some time spent therein, the President resumed the chair, and Mr. Adams, from said committee, reported in favor of the passage of the first named bill, which report was agreed to.

On motion of D. P. Wood, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Baker	Dickinson	Lewis	Perry	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Adams, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to.

On motion of Mr. D. P. Wood, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lewis	Perry	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham	Madden	Wagner	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Adams, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to.

On motion of Mr. D. P. Wood, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lewis	Perry	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham	Madden	Wagner	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to amend the several acts in relation to State prisons."

"An act relating to assessments and other proceedings relative to local improvements and public work in the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Bowen, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Bowen, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The hour of one o'clock and forty-five minutes having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened, when, the hour of two o'clock having arrived, the Senate took a recess until four o'clock.

#### FOUR O'CLOCK P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the bills entitled as follows:

Assembly, "An act to incorporate the Hunter's Point and Flushing Railroad Company."

"An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation and management thereof."

"An act in relation to courts and justices in the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Harrower, from said committee, reported in favor of the passage of the first named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Harrower, from the same committee, reported that they had stricken the enacting clause from the second named bill.

Mr. Foster moved to disagree with the report of the committee of the whole, and that the enacting clause be restored.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Baker	Graham	Murphy	Wagner	Woodin	
Foster	Madden	Tiemann	J. Wood		9

#### FOR THE NEGATIVE.

Adams	Cock	Johnson	Lowery	Robertson	
Bowen	Dickinson	Lewis	McGowan	Winslow	10

Mr. Harrower, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Johnson moved to disagree with the report of the committee, and that the enacting clause be stricken from the bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said report of the committee of the whole, and it was decided in the affirmative.

Mr. Madden moved that said bill be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood moved that the Assembly bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street and for other purposes," be considered in the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Tiemann moved to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows :

"An act to amend an act entitled 'An act to amend article 2, title 5, chapter 6, part 3 of the Revised Statutes, entitled " of executions against property," passed May 2, 1835."

"An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes."

"An act to establish a rifle range and to promote skill in marksmanship among the National Guard."

After some time spent therein, the President resumed the chair, and Mr. Dickinson, from said committee, reported that they had stricken out the enacting clause of the first named bill, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Dickinson, from the same committee, reported in favor of the passage of the second named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Dickinson, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Perry moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bowen	Foster	McGowan	Robertson	Woodin	9
Cock	Harrower	Perry	J. Wood		

FOR THE NEGATIVE.

Allen	Graham	Lowery	Wagner	Winslow	8
Baker	Johnson	Madden			

The President presented the following communication :

STATE OF NEW YORK—SECRETARY OF STATE, }  
ALBANY, *May* 13, 1872. }

I hereby certify that the resignation of George W. Miller, as Superintendent of the Insurance Department of this State, was received and filed in this office at four o'clock and thirty minutes, P. M., this day.

ANSON J. WOOD,  
*Dept. Secretary of State.*



Mr. Bowen offered the following :

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting the return of Senate bill No. 64, entitled "An act to authorize the consolidation of the Rochester, Nunda, and Pennsylvania Railroad with certain other railroads," for amendment.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Woodin moved that an executive session be held at eight o'clock this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved to take from the table the following Assembly resolution :

*Resolved* (if the Senate concur), That this Legislature adjourn *sine die* on Friday, May 10, 1872, at 12 o'clock M. on that day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Madden moved to amend by substituting "Tuesday, May 14, at 2 P. M."

Mr. Perry moved to lay upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Perry	Wagner	J. Wood	
Baker	Lowery	Robertson	Winslow	Woodin	
Cock	McGowan				12

FOR THE NEGATIVE.

Bowen	Graham	Harrower	Johnson	Madden	
Dickinson					6

Mr. Madden offered the following :

*Resolved* (if the Assembly concur), That the Canal Board are hereby authorized and required to order the discontinuance of all work on the extension of the Chenango canal.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

The hour of six o'clock having arrived, the Senate took a recess until half-past seven o'clock, P. M.

## SEVEN AND A HALF O'CLOCK, P. M.

The Senate again met.

Mr. Lowery, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders; and, after some time spent therein, the hour of eight o'clock having arrived, the President resumed the chair and announced executive session; and, after some spent therein, the doors were opened, and the Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders, being the Assembly bills entitled as follows:

"An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869."

"An act to provide building sites for life saving stations on the coast of Long Island, State of New York."

"An act to incorporate the Fresco Painters' Benevolent Protective Union, of the city and county of New York."

After some time spent therein, the President resumed the chair, and Mr. Winslow, from said committee, reported in favor of the passage of the first and second named bills, with amendments, which report was agreed to, and said bills ordered to a third reading.

Mr. Winslow, from the same committee, reported in favor of the passage of the last named bill, which report was agreed to, and said bill ordered to a third reading.

Mr. Madden, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 907 of the Laws of 1869, entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, as amended by chapter 925 of the Laws of 1871, so far as the same is applicable to the Sodus Bay and Corning Railroad Company, under its present or former corporate name," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Harrower, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Perry	Weismann
Allen	Chatfield	Lowery	Robertson	D. P. Wood
Baker	Cock	Madden	Tiemann	J. Wood
Benedict	Foster	Palmer	Wagner	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Governor was received and read in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, *May* 13, 1872. }

*To the Senate:*

In compliance with a concurrent resolution of the Senate and Assembly, I return, for amendment, Senate bill No. 64, entitled "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad with certain other railroads."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	Weismann
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Foster	Lord	Tiemann	J. Wood
Benedict	Graham	McGowan	Wagner	Woodin
Bowen	Harrower	Madden		

23

On motion of Mr. Foster, and by unanimous consent, said bill was amended as follows:

Section 1, line 9, engrossed bill, strike out the word "that."

Amend the title by inserting the words "ratify and confirm," and change the word "actions" to "action."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Baker	Foster	Lord	Perry	Winslow
Benedict	Graham	Madden	Tiemann.	J. Wood
Bowen	Harrower	Murphy.	Wagner	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the East Side Association of the city of New York,' passed May 9, 1868," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the mayor and common council of Long Island city to borrow money," passed April 13, 1871," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,' passed April 26, 1871," reported in favor of the pas-

sage of the same with amendments, and said bill committed to the committee of the whole.

The Assembly bill entitled "An act making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Wagner	
Baker	Cock	Lord	Perry	Weismann	
Benedict	Foster	Lowery	Robertson	J. Wood	
Bowen	Graham	McGowan	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the several acts in relation to State prisons," having been announced for a third reading,

Mr. Murphy moved to recommit said bill to the committee on State prisons, with instructions to strike out the fifth section of the bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Perry	Wagner	
Benedict	Harrower	McGowan	Robertson	Weismann	
Chatfield	Lord	Murphy	Tiemann		14

## FOR THE NEGATIVE.

Baker	Foster	Lewis	J. Wood	Woodin	
Bowen	Graham	D. P. Wood			8

Mr. Bowen, from the committee on State prisons, to which was recommitment the Assembly bill entitled "An act to amend the several acts in relation to State prisons," reported in favor of the passage of the same with amendments, in compliance with instructions.

Mr. Woodin moved that said bill be laid upon the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to incorporate the Hunter's Point and Flushing Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Madden	Winslow	
Baker	Dickinson	Lewis	Perry	D. P. Wood	
Benedict	Foster	Lowery	Wagner	J. Wood	
Bowen	Graham	McGowan	Weismann	Woodin	
Chatfield					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Weismann
Baker	Cock	Johnson	Perry	D. P. Wood
Benedict	Foster	Lowery	Tiemann	J. Wood
Bowen	Graham	Madden	Wagner	Woodin
				20

FOR THE NEGATIVE.

Dickinson	Lewis	Lord	McGowan	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a rifle range, and to promote skill in marksmanship among the National Guard," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Lord	Palmer	Tiemann	Winslow
Benedict	McGowan	Perry	Wagner	J. Wood
Cock	Murphy	Robertson	Weismann	Woodin
Harrower				
				16

FOR THE NEGATIVE.

Bowen	Dickinson	Graham	Lewis	Madden
Chatfield	Foster	Johnson	Lowery	9

Mr. Perry moved to reconsider the vote by which said bill was lost, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay upon the table, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, offered the following report:

*To the Senate:*

The judiciary committee, to which was referred the message of the Governor recommending the removal from his office of Horace G. Prindle, county judge of Chenango county, do report:

That they have been attended by the said official in person, and with his counsel, and by counsel in behalf of the people; that the specifications have been filed and served of the charges against the said accused, and that he has served and filed a demurrer thereto, which charges and demurrer are attached hereto; that said Horace G. Prindle elects to be heard upon the demurrer to the charges against him before the Senate, and to be tried before the Senate, in case that a trial and the taking of testimony becomes necessary; and all other proceedings to be had before the Senate. Your committee, therefore, submit the following resolutions:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject, and that the same be submitted to the Senate for its action.

*Resolved*, That the Governor be requested to call the Senate together in extra session at the capitol on the 14th day of May instant, at four o'clock, P. M., for the purpose of proceeding to the hearing of the issue made upon the demurrer to the charges against the said Horace G. Prindle, county judge of Chenango county, and attend to and transact all such other business as may properly and lawfully come before the Senate when so convened.

JAMES WOOD, *Chairman*.

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

Mr. Murphy moved that a copy of the report and resolutions be sent to the Governor forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in the real estate of which Wm. Long, late of Minerva, Essex county, died seized, to Isaac Hagen," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 412 of the Laws of 1864, entitled 'An act to amend an act to provide for the registry of liens and incumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858, and to amend chapter 279 Laws of 1833, entitled 'An act requiring mortgages of personal property to be filed in the town clerk's office,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the formation of corporations to provide the members thereof with lots of land suitable for homesteads," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Winslow, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the Tontine Mutual Savings Bank of the city of New York,' passed May 11, 1869, passed May 11, 1271," reported in favor of the passage of the same, and said bill ordered to a third reading.

On motion of Mr. Winslow, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:



## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lord	Robertson	Winslow
Baker	Cock	Lowery	Wagner	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Graham	Palmer		

18

## FOR THE NEGATIVE.

Tiemann

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Madden moved to take from the table the motion to reconsider the vote by which the concurrent resolution relative to the Manual of Rules, etc., was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said resolution, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said resolution, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Allen	Foster	McGowan	Wagner	D. P. Wood
Baker	Harrower	Madden	Weismann	Woodin
Cock	Johnson	Palmer		

18

## FOR THE NEGATIVE.

Bowen	Graham	Lord	Tiemann	J. Wood
Chatfield	Lewis	Perry		

8

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles."

"An act to incorporate the South American Contract Company."

"An act in relation to the service of citations on lunatics and idiots."

"An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages.'"

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the city of Binghamton, passed April 9, 1867, and the several acts amending the same,' passed April 7, 1871."

"An act to amend section 3 of chapter 19 of the Laws of 1821 to perpetuate certain testimony respecting the title of the Poultney estate in this State."

"An act to incorporate the Queens Railway Company."

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney island, in the county of Kings.'"

"An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same."

*Ordered*, That the Clerk return said bills to the Assembly.

On motion of Mr. Winslow, the Senate adjourned.

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TUESDAY, MAY 14, 1872.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Darling.

Reading of the journal of yesterday dispensed with.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend the charter of the city of Brooklyn," reported in favor of the passage of the same with amendments.

On motion of Mr. Perry, and by unanimous consent, the rules were suspended and said bill ordered to a third reading.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to establish a board of health in the city of Brooklyn, and county of Kings," respectfully report, that they have agreed to the following amendments to said bill, and recommend that such amendments be adopted:

Amend the title by striking out the words "and county of Kings."

Section 1, line 2, strike out the words "and county of Kings," and in 4th line strike out the words "and county of Kings," and in last line the words "and county."

Section 2, line 4, strike out the words "and county of Kings."

Section 3, insert in the 2d line, after the word "effect," the following: "the mayor, the comptroller and." Line 4, strike out as follows: "police commissioners of the city of Brooklyn," and insert the words "mayor of said city." In line 2, after the word "Brooklyn," strike out the words "and the president of the board of aldermen of the city of Brooklyn." In line 13, strike out the words "and county of Kings." In line 18, strike out the words "the county of Kings," and insert the words "said city." In line 19, after the word "board" insert the words "appointed under this act." In line 23, after the word "board" insert the words "appointed under this act." In lines 32 and 33, strike out the words "and county of Kings."

Section 4, line 3, strike out the word "two" and insert in lieu thereof the word "three."

Section 7, line 4, strike out the word "county" and insert the word "city." Line 6, strike out the words "and county of Kings." Line 14, strike out the word "may" and insert the word "shall." In 3d line from end of said section, strike out the words "and county of Kings."

Section 9, line 2, strike out the words "and county of Kings." In lines 5 and 6 from end of said section, strike out the words "or else-

where in the county of Kings." In line 2, from end of section, strike out the words "and county of Kings."

Section 10, lines 1 and 2, strike out the words "supervisors of the county of Kings," and insert the words "aldermen of the city of Brooklyn." Strike out lines 3 and 4 from the word "shall" in the 3d line to the word "annually" in the 4th line. In the 13th line, after the word "time" insert the word "as." In same line, strike out the word "the" and insert the word "their." In the 14th line, strike out the words "said board of estimate, and insert the word "shall." In line 15, after the word "thereof" insert the words "and the amount so estimated shall be raised in the manner now provided by law." In line 16, strike out from and including the word "upon" and lines 17, 18, 19, 20, 21, 22, 23 and 24, to the word "and." Line 26, strike out the words "county of Kings," and insert the words city of Brooklyn." In line 35, strike out the words "supervisors of the county of Kings," and insert the words "aldermen of the city of Brooklyn." In line 47, strike out the word "supervisors," and insert the word "aldermen." In line 51, strike out the word "county," and insert the word "city."

Strike out section 11.

Make section 12 read section 11.

Strike out in last line of said section the words "the bureau," and insert the words "this board."

Add at the end of same section as follows :

"In case the moneys transferred by the present board of health to the board created by this act, shall prove insufficient to defray the expenses thereof for the year 1872, it shall be the duty of the mayor and comptroller of said city to issue certificates of indebtedness bearing interest at a rate not exceeding seven per cent per annum, for such sums as may be necessary to defray the expenses of said board, not exceeding the sum of thirty thousand dollars. Such certificates shall be sold by the comptroller, and paid into the city treasury to the credit of said board."

Make section 13 read section 12.

Section 13, lines 3 and 4, strike out all after the word "made" in said line 3, to and including the word "and" in the 4th line, and insert the words "to the aldermen of the city of Brooklyn."

Change sections 14 and 15 to 13 and 14.

Dated May 13th, 1872.

JOHN C. PERRY,  
H. C. MURPHY,  
DAN'L F. TIEMANN,  
*Senate Committee.*

CHAS. B. MORTON,  
EDWARD D. WHITE,  
EUGENE D. BERRI,  
WM. W. MOSELEY,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	Winslow
Allen	Cock	Lewis	Robertson	D. P. Wood
Baker	Foster	McGowan	Wagner	J. Wood
Benedict	Graham	Madden	Weismann	Woodin
Bowen				

21

FOR THE NEGATIVE.

Murphy

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Wagner offered the following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, asking for the return, for amendment, of Senate bill No. 453, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 26, 1866.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent the rule was suspended, and the Clerk ordered to deliver said resolution to the Assembly immediately, and request their concurrence therein.

Mr. Tiemann offered the following:

*Resolved*, That Senate bill 498, being "An act in relation to assessments," be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Winslow, from the select committee of nine, reported the following entitled Assembly bills complete:

"An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,' passed April 26, 1871."

"An act for the relief of the New York Tunnel Company."

"An act to release to John Schafer the right, title, and interest of the people of the State of New York in and to certain real estate in the city of New York."

"An act to amend an act entitled 'An act to incorporate the East Side Association of the city of New York,' passed May 9, 1868."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York, and for the public defense and entitled the Military Code.'"

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861."

"An act to amend an act entitled 'An act to enable the mayor and common council of Long Island City to borrow money,' passed April 13, 1871."

"An act to incorporate the fire department of the village of Watkins."

"An act to authorize the formation of corporations to provide the members thereof with lots of land suitable for homesteads."

"An act relative to the medical laws of the State of New York."

"An act to incorporate the Dairymen's Manufacturing Association of Perth."

"An act to establish a rapid transit steam ferry between Westchester county and New York city."

"An act to authorize the city of Brooklyn to borrow money, and to levy and collect a tax for the repayment of the same, to cover expendi-

tures made by the authorities of said city during the year 1871, in violation of then existing laws, and to provide for certain extraordinary expenses in said city."

"An act to provide for the repavement and improvement of Henry street, between Pierrepont street and Fulton street, in the city of Brooklyn."

"An act to amend an act entitled 'An to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

*Ordered*, That said bills be read a third time.

Mr. J. Wood moved to reconsider the vote by which the Senate adopted the following resolution:

*Resolved*, That the Governor be requested to call the Senate together in extra session at the capitol, on the 14th day of May, at four o'clock P. M., for the purpose of proceeding to the hearing of the issues made upon the demurrer to the charges against the said Horace G. Prindle, county judge of Chenango county, and attend to and transact all such other business as may properly and lawfully come before the Senate when so convened.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. J. Wood moved to amend the resolution by striking out the words "four o'clock P. M.," and inserting the words "immediately after the final adjournment of the Senate."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow moved that the Senate go into executive session at ten o'clock and fifteen minutes P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly sent for concurrence the bills entitled as follows:

"An act in relation to the salary of the surrogate of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Graham, said bill was ordered to a third reading.

"An act to provide for supplying the village of Cobleskill, Schoharie county, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The conference committee on the bill entitled "An act to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a new court-house and jail, and to provide for the expenses of the same," respectfully report that they have agreed to amend said bill by striking out the ninth section thereof, and change section 10 to section 9.

TOWNSEND D. COCK,  
L. S. LEWIS,  
JOHN C. PERRY,  
*Senate Committee.*

J. M. OAKLEY,  
L. BRADFORD PRINCE,  
JOHN S. MARCY,  
J. LEE TUCKER,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affir-

ative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	D. P. Wood
Allen	Chatfield	Lewis	Robertson	J. Wood
Baker	Cock	Lowery	Wagner	Woodin
Benedict	Graham	Palmer		18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

Mr. Perry, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act in relation to the Wallabout improvement in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing, passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857,' passed May 3, 1869, passed May 7, 1870."

On motion of Mr. Cock, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Perry	D. P. Wood
Allen	Cock	Lord	Robertson	J. Wood
Benedict	Dickinson	McGowan	Wagner	Woodin
Bowen	Graham	Madden	Weismann	19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Johnson, from the committee on canals, to which was referred the Assembly bill entitled "An act in relation to completing certain work in Black Rock Harbor and at Lower Black Rock, Buffalo," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, the rule was suspended, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lord	Robertson	Winslow
Baker	Foster	Lowery	Tiemann	D. P. Wood
Benedict	Graham	Madden	Wagner	J. Wood
Bowen	Harrower	Palmer	Weismann	Woodin
Chatfield	Johnson	Perry		23

FOR THE NEGATIVE.

Lewis	1.
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Johnson, from a majority of the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the Canal Commissioners to construct a bridge over the Erie canal at Austin street, in the city of Buffalo," reported adversely thereto, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Robertson moved that the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," be recommitted to the committee on manufactures, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Allen	Cock	Lowery	Robertson	Winslow
Baker	Dickinson	McGowan	Tiemann	D. P. Wood
Benedict	Foster	Murphy	Wagner	J. Wood
Bowen	Graham	O'Brien	Weismann	Woodin
Chatfield	Harrower			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled 'An act to incorporate the Fresco Painters' Benevolent and Protective Union of the city and county of New York,' was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Robertson	D. P. Wood
Allen	Dickinson	O'Brien	Tiemann	J. Wood
Baker	Foster	Palmer	Wagner	Woodin
Chatfield	Harrower	Perry	Weismann	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Murphy	Wagner
Allen	Dickinson	Lewis	O'Brien	Weismann
Baker	Foster	Lord	Palmer	Winslow
Benedict	Graham	Lowery	Robertson	J. Wood
Chatfield	Harrower	Madden	Tiemann	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Baker moved that the Assembly bill entitled "An act to release the interest of the people of the State of New York in the real estate of which William Long, late of Minerva, Essex county, died seized to Isaac Hagen," be ordered to a third reading."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	Winslow
Allen	Foster	Madden	Tiemann	D. P. Wood
Benedict	Graham	O'Brien	Wagner	J. Wood
Chatfield	Lowery	Palmer	Weismann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly sent for concurrence the following entitled bill:

"An act to authorize the Lockport Home for the Friendless to contract with the county of Niagara for the care and support of poor children of said county, and as to the trustees of said society," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Bowen, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Palmer	Winslow
Allen	Graham	Lowery	Robertson	D. P. Wood
Baker	Harrower	McGowan	Tiemann	J. Wood
Benedict	Johnson	Murphy	Weismann	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide building sites for life-saving stations on the coast of Long Island, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Robertson	Winslow
Allen	Dickinson	Lord	Tiemann	D. P. Wood
Baker	Foster	Murphy	Wagner	J. Wood
Benedict	Graham	O'Brien	Weismann	Woodin
Bowen	Harrower			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a mesage informing that the Senate have concurred in the passage of the same, with amendments.

The hour of half past ten o'clock having arrived, the Senate went into executive session; and, after some time spent therein, the doors were opened and the Senate resumed the consideration of legislative business.

On motion of Mr. Adams, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," was ordered to a third reading.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Murphy	Wagner
Allen	Cock	Lord	Perry	Weismann
Baker	Dickinson	Lowery	Robertson	Winslow
Benedict	Foster	McGowan	Tiemann	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act in relation to the Croton aqueduct and other public works in the city of New York," with a message that they had passed the same with the following amendments:

Section 2, line 6, engrossed bill, strike out the word "two" and insert the word "four."

Add at the end of section 5: "To meet and defray the expenses incurred by leasing said lands, also for the purchase of the lots authorized by section two of the act, the comptroller of the city of New York is authorized and required to provide the means therefor as authorized by section two of chapter 230 of the Laws of 1870."

Insert, as section 6, the following :

"§ 6. The commissioner of public works in the city of New York is hereby authorized and directed to regulate, grade, pave, sewer, and otherwise improve Lawrens street or South Fifth avenue from Canal street

to Fourth street, also that portion of the street avenue known as Church street, from Fulton street to Morris street, by day's work or by contract, or in such manner as the said commissioner of public works may deem expedient; and the comptroller of the city of New York is hereby authorized and directed to borrow from time to time in the name of the mayor, aldermen and commonalty of the city of New York, by the issue of assessment bonds bearing such rate of interest as he may deem proper, not exceeding seven per cent per annum, such sums as shall be necessary to pay all expenses incurred or to be incurred as aforesaid; and all acts and parts of acts now in force in relation to regulating, grading, paving, sewerage, and otherwise improving streets, avenues or wards in the city of New York, and the assessment and collection of the expenses for the same, which are not inconsistent with the provisions of this act, the same as if they were incorporated herein."

Insert as section 7 the following:

"§ 7. The department of public works shall have and possess all the powers and functions heretofore and now possessed by the department of public parks in relation to the boulevard (ward or public drive), streets, avenues and wards above Fifty-ninth street, not embraced within the limits of any park or public place, and all provisions of law conferring powers and devolving duties upon the department of public parks in relation thereto are hereby transferred to and conferred upon the said department of public works."

Insert as section 8 the following:

"§ 8. In addition to the amounts authorized by existing laws, the comptroller of the city of New York is required to issue assessment bonds to the amount of \$100,000 annually, to be made payable within five years from date, at a rate of interest not to exceed seven per cent per annum, the amount realized therefrom to be applied to the payment of the expenses incurred in the construction of sewers already built or to be built, and to provide the means to reimburse the city treasury for the advances made under the acts relative to sewerage and drainage in the city of New York, passed April 12, 1865, and the act amendatory thereof, passed April 13, 1866. The comptroller of the city of New York is authorized to issue the consolidated stock of the city New York for the amount of such advances, and all the provisions of law now existing relative to the consolidated stock of the city of New York shall apply to the consolidated city stock herein authorized to be issued. The commissioner of public works of the city of New York is authorized and empowered to perform the work of cleansing the sewers, silt-basins, and culverts connected with the sewerage system of said city by contract, or in such manner as said commissioner may deem expedient; and all contracts made for doing any portion of said work are hereby confirmed and declared valid."

Change number of section 8 in said bill to section number 9.

Change number of section 6 to section number 10.

Amend the title so as to read as follows:

"An act in relation to the Croton aqueduct and other public works in the city of New York."

Mr. Tiemann moved that said bill be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Palmer moved that said bill be referred to the committee on the affairs of cities.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Perry moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to establish a rifle range and promote skill in marksmanship among the National Guard," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	O'Brien	Robertson	Weismann
Baker	Foster	Palmer	Tiemann	J. Wood
Benedict	McGowan	Perry	Wagner	Woodin
Chatfield	Murphy			

17

FOR THE NEGATIVE.

Allen	Lewis	Lowery
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3

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	O'Brien	Robertson	Weismann
Baker	Harrower	Palmer	Tiemann	J. Wood
Bowen	McGowan	Perry	Wagner	J. Wood
Chatfield	Murphy			

17

FOR THE NEGATIVE.

Allen	Lewis	Lowery
-------	-------	--------

3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the amendments made by the Assembly to the bill entitled "An act to amend an act entitled 'An act in relation to the Croton aqueduct of the city of New York,' passed April 15, 1870," reported that they had considered the same, and recommend that the Senate concur in said amendments, with the further following amendment to the title: "and to provide for the prosecution of the work thereon, and for other public works in the city of New York."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Palmer	Weismann
Allen	Dickinson	McGowan	Perry	J. Wood
Baker	Foster	Madden	Robertson	Woodin
Chatfield	Harrower			

17

FOR THE NEGATIVE.

Benedict	Lewis	Lord	O'Brien	Tiemann
Bowen				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, with a further amendment thereto.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the supervisors of the city and county of New York to raise money by tax to pay money appropriated by George H. E. Lynch, late clerk of the superior court of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of the State of New York in real estate to Alicia C. O'Brien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. J. Wood, and by unanimous consent, said bill was ordered to a third reading.

The Assembly bill entitled "An act to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland," having been announced for a third reading,

Mr. Graham moved that said bill be recommitted to the committee on internal affairs.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	O'Brien	Wagner
Allen	Cock	Lowery	Palmer	Weismann
Baker	Foster	McGowan	Robertson	J. Wood
Benedict	Harrower	Madden	Tiemann	Woodin
Bowen	Johnson	Murphy		

23

FOR THE NEGATIVE.

Dickinson	Graham	Lord
-----------	--------	------

3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The President presented a communication and statement from the comptroller of the city of New York in response to a resolution of the Senate relative to the Eighteenth Ward market in the city of New York; which was laid on the table and ordered printed.

(See Doc. No. 93.)

Mr. Woodin moved to take from the table the bill entitled "An act to amend the several acts in relation to the State prisons."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Woodin, and by unanimous consent, said bill was amended by restoring the tenth and eleventh sections thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:



FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	Palmer	Winslow
Allen	Cock	Harrower	Robertson	D. P. Wood
Baker	Dickinson	Lewis	Tiemann	J. Wood
Benedict	Foster	Lowery	Weismann	Woodin
Bowen				

21

FOR THE NEGATIVE.

Johnson	O'Brien
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2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Benedict, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act repealing the act entitled 'An act for the appointment of commissioners of records for the city and county of New York,' passed April 13, 1855, and providing for the sale and disposition of the indices, records, documents and property held by said commissioners under said act," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Benedict, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Perry	Weismann
Baker	Foster	McGowan	Robertson	Winslow
Benedict	Graham	Madden	Tiemann	J. Wood
Chatfield	Harrower	O'Brien	Wagner	Woodin
Cock	Lewis	Palmer		

23

*'Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Robertson moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The Peresident then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Harrower	Lowery	Palmer	Tiemann
Benedict	Johnson	McGowan	Perry	Weismann
Cock	Lewis	Murphy	Robertson	Woodin
Graham	Lord			

17

FOR THE NEGATIVE.

Baker	Dickinson	Madden	Wagner	Winslow
Chatfield	Foster			

7

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Harrower	Lowery	Palmer	Tiemann	
Benedict	Johnson	Murphy	Perry	Weismann	
Cock	Lewis	O'Brien	Robertson	Woodin	
Graham	Lord				17

## FOR THE NEGATIVE.

Baker	Chatfield	Foster	Madden	Winslow	
Bowen	Dickinson	McGowan	Wagner	J. Wood	10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Palmer moved to take from the table the adverse report of the committee on railroads on the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868; being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869; being chapter 824 of the Laws of 1869."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Dickinson	Lewis	O'Brien	Weismann	
Chatfield	Graham	Lowery	Palmer	Woodin	
Cock	Johnson	McGowan	Robertson		14

## FOR THE NEGATIVE.

Adams	Bowen	Lord	Tiemann	Winslow	
Baker	Foster	Madden	Wagner	J. Wood	10

The President then put the question whether the Senate would agree to said report, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Lord	Tiemann	Winslow	
Allen	Foster	Madden	Wagner	J. Wood	
Baker	Harrower				12

## FOR THE NEGATIVE.

Benedict	Dickinson	Lewis	Palmer	D. P. Wood	
Chatfield	Graham	Lowery	Robertson	Woodin	
Cock	Johnson	McGowan	Weismann		14

Mr. Palmer moved that the Senate go into committee of the whole upon said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Benedict	Graham	Lewis	Murphy	Weismann	
Chatfield	Harrower	Lowery	Palmer	D. P. Wood	
Cock	Johnson	McGowan	Robertson	Woodin	
Dickinson					16

## FOR THE NEGATIVE.

Adams	Bowen	Lord	Tiemann	Winslow
Allen	Foster	Madden	Wagner	J. Wood
Baker				

11

The Assembly bill entitled "An act to amend an act entitled 'An act to amend, consolidate, and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866; and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870," having been announced for a third reading,

On motion of Mr. Cock, and by unanimous consent, was amended as follows:

Strike out section 8.

Section 10, line 5, engrossed bill, strike out the word "thirty," and insert in lieu thereof the word "twenty."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Chatfield	Harrower	Palmer	Winslow
Baker	Dickinson	Johnson	Perry	D. P. Wood
Benedict	Foster	Lord	Tiemann	J. Wood
Bowen	Graham	Lowery	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER, {  
ALBANY, *May* 14, 1872. }

*To the Senate:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Senate bill No. 453, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs,' passed March 16, 1866."

JOHN T. HOFFMAN.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Madden	Tiemann
Baker	Dickinson	Johnson	O'Brien	Wagner
Benedict	Foster	Lewis	Palmer	Weismann
Bowen	Graham	Lowery	Perry	Woodin
Chatfield				

21

On motion of Mr. Wagner, and by unanimous consent, said bill was amended as follows:

Amend the title by adding thereto the words, "and the acts amendatory thereof."

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Palmer	Winslow
Baker	Foster	Lord	Robertson	D. P. Wood
Benedict	Harrower	Lowery	Wagner	J. Wood
Bowen	Johnson	McGowan	Weismann	Woodin
Chatfield				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein, as amended.

The Assembly bill entitled "An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Cock	Johnson	Palmer	Weismann
Allen	Dickinson	Lowery	Perry	D. P. Wood
Benedict	Foster	McGowan	Tiemann	J. Wood
Bowen	Harrower	Madden	Wagner	Woodin

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish and sweepings, and all dead animals, blood, offal and other refuse matter, and all bones, fish not fit for human food, and all diseased, tainted, and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of, and the cancellation of existing contracts and arrangements in respect thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Winslow
Allen	Dickinson	Lord	Perry	D. P. Wood
Baker	Foster	McGowan	Wagner	J. Wood
Benedict	Johnson	O'Brien	Weismann	Woodin
Bowen				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the bill entitled "An act to provide for the settlement of claims against the city and county of New York not embraced within the provisions of chapters 9 and 29 of the Laws of 1872, and to facilitate the settlement and payment of claims under said

chapters," with a message that they had passed the same, with the following amendments:

Amend section 3 by striking out the word "first," in line 6, printed bill, and inserting in lieu thereof the word "second."

Amend section 4 by inserting the word "two" instead of the word "one," in line 15, printed bill.

Insert as section 9 the following:

"§ 9. The claims for advertising, for which provision is made by chapter three hundred and seventy-five of the laws of eighteen hundred and seventy-two, shall be audited, allowed, and paid within thirty days after the passage of this act. Every claim for publication and advertising of the descriptions stated in said chapter three hundred and seventy-five, actually published prior to the first day of January, eighteen hundred and seventy-two, in any newspaper or other periodical publication in said city and county, shall be audited, allowed, and paid in the manner directed by chapter nine of the laws of eighteen hundred and seventy-two, as amended by said chapter three hundred and seventy-five, at the rates paid for similar advertisements in the same years in which said publications were made, provided such advertisements are shown by affidavit to have been actually published as stated in such claims. The comptroller of said city and county of New York is hereby authorized and directed to issue bonds of the description specified in said chapter nine to raise the necessary money for the payment of all such claims."

Change numbers of sections 9 and 10 to sections numbers 10 and 11.

Mr. O'Brien moved to non-concur in said amendments, and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. O'Brien, Robertson, and Woodin.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments, and appointed a committee of conference thereon.

By unanimous consent, Mr. Perry asked and obtained leave to introduce a bill entitled "An act to extend the jurisdiction of the board of health of the city of Brooklyn, in times of epidemic or pestilence throughout the county of Kings."

On motion of Mr. Perry, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson
Allen	Chatfield	Harrower	O'Brien	Weismann
Baker	Cock	Johnson	Palmer	J. Wood
Benedict	Dickinson	Lewis	Perry	Woodin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850,"

ing been announced for a third reading,

Mr. McGown moved that said bill be recommitted to the committee on manufactures, with power to complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester," with a message that they had concurred in the passage of the same with the following amendments:

Section 1, line 7, engrossed bill, after the word "one" insert the following: "except as to the provisions providing for bridges and tunnels across the Harlem river." Same section, same line, after the word "the" insert the words "survey of the."

Add as section 3 the following:

"§ 3. If at any time there shall be no chairman of the board of supervisors of said county of Westchester, the county judge of said county shall act in his place and stead in all proceedings under said act until a chairman shall be appointed, and the acts of said judge shall have the same force and effect as though performed by said chairman."

Amend the title by adding between the words "the" and "towns" the words "survey of the," and at the end add the words "and to amend the same in other respects."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	O'Brien	Wagner	
Allen	Chatfield	Lord	Palmer	Weismann	
Baker	Cock	Lowery	Perry	J. Wood	
Benedict	Foster	McGowan	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to enable the mayor and common council of Long Island City to borrow money,' passed April 13, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lowery	Weismann	
Allen	Chatfield	Graham	McGowan	J. Wood	
Baker	Cock	Lewis	Wagner	Woodin	
Benedict	Dickinson				17

#### FOR THE NEGATIVE.

O'Brien	Palmer	Robertson	Tiemann	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Bowen, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:



"An act relating to assessments and other proceedings relative to local improvements and public work in the city of New York."

"An act to amend chapter 907 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, as amended by chapter 925 of the laws of 1871, so far as the same is applicable to the Sodus Bay and Corning Railroad Company, under its present or former corporate name,"

"An act to amend an act entitled 'An act to incorporate the Brevoort Savings Bank of the city of New York,' passed May 12, 1869."

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,' passed April 26, 1871," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	Lowery	Weismann
Allen	Chatfield	Graham	McGowan	J. Wood
Baker	Cock	Harrower	Madden	Woodin
Benedict	Dickinson	Lewis	Wagner	19

FOR THE NEGATIVE.

Tiemann	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend part 1, chapter 11, title 3, article 2, section 43 of the Revised Statutes in relation to constables," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. J. Wood, and by unanimous consent, the committee of the whole was discharged from the further consideration of said bill, and the same was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Palmer	Weismann
Allen	Graham	McGowan	Perry	Winslow
Bowen	Harrower	Murphy	Robertson	J. Wood
Chatfield	Johnson	O'Brien	Tiemann	Woodin
				30

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act to provide for a commission to propose amendments to the Constitution," with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. J. Wood, from the committee on the judiciary, to which was recommitted the Assembly bill entitled "An act concerning certain female habitual drunkards, vagrants, and prostitutes in the city of Brooklyn and county of Kings," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relating to records in the office of the district attorney of the city and county of New York, and the clerk of the court of general sessions of the peace, and the court of oyer and terminer, in said city and county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Baker, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Johnson moved to recommit said bill, with instructions to amend the same by striking out the second section thereof, and to report forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	McGowan	Weismann	
Allen	Dickinson	Johnson	Murphy	D. P. Wood	
Benedict	Foster	Lord	Robertson	J. Wood	
Chatfield	Graham	Lowery	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Madden moved to take from the table the motion to reconsider the vote by which the Assembly bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Allen	Harrower	Murphy	Robertson	Weismann
Baker	Johnson	Palmer	Tiemann	J. Wood

• Chatfield	Lord	Perry	Wagner	Woodin
Foster	Madden			

## FOR THE NEGATIVE.

Dickinson	Lewis	Lowery
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On motion of Mr. Tiemann, and by unanimous consent, said bill was amended as follows :

“ This act shall not be construed to allow the said railroad company to demand or receive more than eight cents fare for each passenger for any distance, and not more than six cents for any distance below Forty-second street.”

The President put the question whether the Senate would agree to the final passage of said bill, as amended, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Allen	Foster	McGowan	Perry	Winslow
Baker	Harrower	Madden	Tiemann	J. Wood
Chatfield	Johnson	Murphy	Wagner	Woodin
Cock	Lord	Palmer	Weismann	

## FOR THE NEGATIVE.

Bowen	Dickinson	Lewis
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Baker, from the committee on railroads, to which was recommitted the Assembly bill entitled “An act to amend an act entitled ‘An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,’ passed April 2, 1850,” with power to report complete, reported the same complete, with amendments, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Baker, and by unanimous consent, said bill was read a third reading.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Weismann
Allen	Chatfield	Harrower	Tiemann	J. Wood
Baker	Cock	Madden	Wagner	Woodin
Benedict	Foster	Murphy		

## FOR THE NEGATIVE.

Johnson	Lewis	Lowery
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Madden, from the committee on railroads, to which was referred the Assembly bill entitled “An act for the relief of the Grand Street, Prospect Park and Flatbush Railroad Company,” with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Lowery, from the committee on trade and manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, chemical or mechanical purposes,' passed February 17, 1848," with power to report complete, reported the same complete, which report was agreed to, and said bill ordered to a third reading.

Mr. Robertson moved to recommit the Assembly bill entitled "An act to enable the supervisors of the city and county of New York to raise money by tax to pay money appropriated by Geo. H. E. Lynch, late clerk of the superior court of the city of New York," to the committee on the affairs of cities, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to release to John Schafer the right, title and interest of the people of the State of New York in and to certain real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	O'Brien	Winslow
Allen	Cock	Lewis	Palmer	D. P. Wood
Baker	Dickinson	McGowan	Perry	J. Wood
Benedict	Foster	Madden	Weismann	Woodin
Bowen	Graham			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to incorporate the Dairymen's Manufacturing Association of Perth," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Madden	Weismann
Allen	Cock	Lewis	Robertson	Winslow
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Graham	McGowan	Wagner	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Graham, from the committee on internal affairs, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of Queens county to issue a warrant for the collection of the taxes of the town of Newtown, Queens county, for the year 1871," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Graham, and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Foster	McGowan	Tiemann	
Allen	Chatfield	Johnson	O'Brien	Weismann	
Baker	Cock	Lewis	Palmer	D. P. Wood	
Benedict	Dickinson	Lowery	Robertson	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend the charter of the city of Brooklyn," was read a third time

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Palmer	Weismann	
Allen	Chatfield	Harrower	Perry	Winslow	
Baker	Dickinson	Lowery	Tiemann	J. Wood	
Benedict	Foster	O'Brien	Wagner	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bowen	Harrower	Murphy	Perry	J. Wood	
Cock	Lewis	O'Brien	Robertson	Woodin	
Foster	Lowery	Palmer	Weismann		14

FOR THE NEGATIVE.

Allen	Chatfield	Lord	Wagner	Winslow	
Baker	Dickinson	Tiemann			8

Mr. Robertson moved that a committee be appointed to investigate the circumstances which led to the defeat of this bill, with power to sit during the recess, to send for persons and papers, and to enforce the attendance of witnesses.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Robertson, Bowen, and Winslow.

Mr. Winslow having declined, the President subsequently appointed Mr. Murphy.

The Assembly bill entitled "An act to release the interest of the people of the State of New York in the real estate of which William Long,

late of Minerva, Essex county, died seized, to Isaac Hagen," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lord	Palmer	Weismann
Baker	Foster	Lowery	Perry	Winslow
Bowen	Harrower	McGowan	Robertson	J. Wood
Chatfield	Johnson	O'Brien	Tiemann	Woodin
Cock	Lewis			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for a commission to propose amendments to the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Baker	Foster	Lord	Tiemann	Winslow
Chatfield	Graham	Lowery	Wagner	J. Wood
Cock	Harrower	O'Brien	Weismann	Woodin
Dickinson	Johnson	Palmer		

18

FOR THE NEGATIVE.

Allen	Lewis			
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend chapter 412 of the Laws of 1864, entitled 'An act to amend an act to provide for the registry of liens and incumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Graham	O'Brien	Winslow
Allen	Cock	Johnson	Robertson	J. Wood
Benedict	Dickinson	Lord	Weismann	Woodin
Bowen	Foster	Madden		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative,



a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Foster	Lewis	Palmer	Weismann
Baker	Graham	Lowery	Robertson	Winslow
Chatfield	Harrower	Murphy	Tiemann	J. Wood
Cock	Johnson	O'Brien	Wagner	Woodin
Dickinson				

21

FOR THE NEGATIVE.

Bowen	
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. J. Wood, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the several courts of record or criminal jurisdiction in the county of Kings to sentence prisoners convicted before them to the penitentiary in the same manner and for the same time as said prisoners may be sent to the State prison, and to provide for the transportation of such persons to said penitentiary," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Murphy, and by unanimous consent, the committee of the whole was discharged, and said bill read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Palmer	Wagner
Baker	Cock	McGowan	Perry	Weismann
Benedict	Foster	Madden	Robertson	J. Wood
Bowen	Graham	O'Brien	Tiemann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

A message from the Governor was received and read in the words following :

STATE OF NEW YORK — EXECUTIVE CHAMBER, }  
ALBANY, May 14, 1872. }

*To the Senate :*

The Assembly having sent to me the following resolution :

"*Resolved,* That the charges and testimony taken in connection therewith, reported to this House by the judiciary committee, be transmitted to His Excellency the Governor, with the request, on the part of this House, that he recommend to the Senate to take proceedings for the removal of said John H. McCunn from his office of justice of the superior court of the city of New York."

I respectfully transmit herewith a printed copy of the charges and specifications so referred to me, alleging official misconduct on the part of said John H. McCunn, and of the testimony taken by the judiciary committee of the Assembly in the case.

I recommend that you inquire into the truth and sufficiency of charges so made; and, if the same shall be established, that the said John H. McCunn be then removed from office.

JOHN T. HOFFMAN.

Mr. J. Wood moved that the message be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to enable the supervisors of the city and county of New York to raise money by tax to pay money appropriated by Geo. H. E. Lynch, late clerk of the superior court of the city of New York," with power to report complete, reported the same complete, which report was agreed to, and said bil ordered to a third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Weismann
Allen	Dickinson	Lewis	Perry	Winslow
Baker	Foster	Lord	Robertson	J. Wood
Benedict	Graham	Madden	Tiemann	Woodin
Chatfield				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to alter the commissioners' map of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole. .

On motion of Mr. Palmer, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lewis	Palmer	Weismann
Allen	Foster	Lowery	Perry	J. Wood
Benedict	Graham	Madden	Tiemann	Woodin
Chatfield	Harrower	O'Brien	Wagner	

19

FOR THE NEGATIVE.

Murphy	
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Perry, from the committee on affairs of cities, to which was referred the Assembly bill entitled "An act to incorporate the New York Coal Exchange and to confer certain powers upon it," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

On motion of Mr. Palmer, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Palmer	Weismann
Allen	Foster	Lowery	Perry	D. P. Wood
Baker	Graham	McGowan	Tiemann	J. Wood
Bowen	Lewis	O'Brien	Wagner	Woodin
Cock				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to establish the Seventh ward in the city of Elmira," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Palmer, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	McGowan	Wagner
Allen	Cock	Johnson	O'Brien	Weismann
Baker	Foster	Lewis	Palmer	J. Wood
Bowen	Graham	Lord	Perry	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The hour of twelve o'clock, M., having arrived, the President announced executive session.

Mr. J. Wood moved that the executive session be dispensed with.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to perfect an amendment to the Constitution relative to the court of appeals, and for the extension of the service of the commissioners of appeals," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Wagner
Baker	Dickinson	Lewis	Perry	Weismann
Benedict	Foster	Lowery	Robertson	J. Wood
Chatfield	Graham	Murphy	Tiemann	Woodin

20

FOR THE NEGATIVE.

Allen

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. O'Brien, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the United States Loan and Security Company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. O'Brien, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Allen	Foster	Madden	Weismann	J. Wood	
Baker	Graham	O'Brien	Winslow	Woodin	
Cock	Harrower	Tiemann			13

FOR THE NEGATIVE.

Adams	Bowen	Dickinson	Lowery	Wagner	
Benedict	Chatfield	Lewis	Palmer		9

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in the passage of the same.

Mr. Palmer, from a majority of the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act regulating the sale of intoxicating liquors in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Palmer, from the committee on the affairs of cities, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Woodin, and by unanimous consent, said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Lowery	Wagner	
Allen	Chatfield	Johnson	Perry	Weismann	
Baker	Cock	Lewis	Robertson	J. Wood	
Benedict	Graham	Lord	Tiemann	Woodin	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," and the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Baker	Cock	O'Brien	Robertson	Weismann	
Benedict	Dickinson	Palmer	Tiemann	J. Wood	
Chatfield	Murphy	Perry	Wagner		14

## FOR THE NEGATIVE.

Bowen	Lewis	Winslow	J. Wood	4
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Mr. Murphy moved that the session be extended indefinitely.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Winslow moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to appoint commissioners of parks for the State of New York," was lost.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Robertson	D. P. Wood	
Baker	Dickinson	O'Brien	Wagner	J. Wood	
Bowen	Foster	Palmer	Weismann	Woodin	
Chatfield	Lowery	Perry	Winslow		19

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Tiemann	D. P. Wood	
Baker	Foster	Madden	Wagner	J. Wood	
Chatfield	Harrower	Perry	Weismann	Woodin	
Cock	Lowery	Robertson	Winslow		19

## FOR THE NEGATIVE.

Bowen	Lewis	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of George Howard," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	Johnson	Perry	D. P. Wood	
Allen	Foster	Lord	Robertson	J. Wood	
Chatfield	Graham	Lowery	Wagner	Woodin	
Cock	Harrower	O'Brien	Weismann		19

## FOR THE NEGATIVE.

Lewis

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The committee of conference appointed by the Senate and Assembly upon the matters of difference between the two Houses on the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," beg leave respectfully to report:

That they have met and duly considered the several matters submitted to them, and have agreed to recommend that the Assembly concur in the following amendments to the bill, as made by the Senate, as follows: Reference in all cases to engrossed bill.

Page 3 and line 4, after the word "cents," add the following:

"For advances for expenses of the funeral of Honorable Peter G. Peck, late member of Assembly, three hundred and eight dollars and forty cents; for advances for expenses in relation to the funeral of Professor Morse, two hundred and thirty dollars; and for advances for expenses attending the funeral of Honorable Erastus Corning, one hundred and twenty-five dollars."

Line 8, after the word "dollars," add as new paragraphs, the following:

"To the Clerk of the Senate for advances for expenses attending the funeral of Honorable Jacob Hardenbergh, the sum of one hundred and thirty-five dollars and fifty cents.

"For the Clerk of the Senate for advances for carrying the mails of the Senate from the commencement of the session until the fifth day of February, eighteen hundred and seventy-two, the sum of thirty-five dollars.

"For the clerk of the committee on ways and means of the Assembly, for additional compensation, five hundred dollars; for the clerks of the committees on the affairs of cities of the Senate and Assembly, to each of them, for additional compensation, three hundred dollars; for the clerk of the committee on finance of the Senate, and the clerks of the committees on judiciary of the Senate and Assembly, to each of them, for additional compensation, two hundred and fifty dollars; and for the clerks of the committees on railroads, commerce and navigation, and on canals, of the Senate and Assembly, to each of them, for additional compensation, one hundred and fifty dollars.

"For the clerk of the special committee appointed by resolution of the Senate to investigate and report upon the charges against James Terwilliger, Clerk of the Senate, one hundred and fifty dollars.

"For A. S. Burdick, clerk of the committee on apportionment, thirty-five dollars."

Page 4, strike out lines 6 to 11, both inclusive, being item for "William McGourkey, five hundred dollars."

Page 4, add at end of line 36, the following: "in full of all compensation and extra compensation allowed him by law."

Page 5, insert at the end of line 29, the following:

"To A. G. Hawley, for services as clerk to the committees of agriculture and militia of the Senate, during the session of eighteen hundred and seventy-one, the sum of five hundred and thirty-six dollars, the same



having been omitted by mistake from the supply bill of eighteen hundred and seventy-one, by an error in engrossing the same."

Page 5, line 31, after the word "first" insert the words "to October first."

Same page, strike out from and including line 33 down to and including the word "three," on page 6, and insert in lieu thereof the following:

"For Anson S. Wood, deputy secretary of state, for indexing the Session Laws of eighteen hundred and seventy-two, and for preparing marginal notes to the same, and for services as clerk of the Commissioners of the Land office from January first to October first, eighteen hundred and seventy-two, and for extra compensation for the last three-quarters of the current fiscal year, the sum of eleven hundred and twenty-five dollars; provided, that said deputy secretary of state shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled 'An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government.'"

Page 6, add the following paragraphs after line 4:

"For Edward P. Gould, chief clerk in the office of the Secretary of State, for the last three-quarters of the present fiscal year, the sum of three hundred and seventy-five dollars; but no extra compensation shall hereafter be allowed him for the supervision of the printing of the Session Laws and Legislative Manual of eighteen hundred and seventy-two.

"For the deputy treasurer, for extra compensation for the last three quarters of the current fiscal year, the sum of seven hundred and fifty dollars; provided, that said deputy treasurer shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled 'An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government.'

"To the State reporter, for deficiency in salary for balance of fiscal year, nine hundred and forty-one dollars, sixty-seven cents."

Same page, line 14, after the word "dollars," add the following: "the same being a reappropriation of the amount appropriated to C. D. Moquin."

Same page, at end of line 23, insert the following:

"For William H. Stevens, for two days' services in reporting Senate debates, and transcribing the same, thirty dollars.

"For H. Rulison, for making a statistical list of the Senators and officers of the Senate, and their boarding places, twenty-five dollars.

"For Hiram Calkins, for preparing an index of the papers on the files of the Senate, and also a classified index of the bills introduced into the Senate, pursuant to a resolution of the Senate adopted April twenty-first, eighteen hundred and seventy-one, five hundred dollars.

"For A. J. Myers, postmaster of the Senate of eighteen hundred and seventy-one, for fourteen days' service after the adjournment, and for four days' service at the opening of the present session, and mileage, ninety-nine dollars.

"For Leopold Stark, postmaster's messenger of the Senate of eighteen hundred and seventy-one, forty-two dollars for fourteen days' service after the adjournment.

"For Henry A. Homes, for two years extra labor in preparing condensed catalogue of the State library, in accordance with the instructions of the Board of Regents, the sum of five hundred dollars.

“ For Jennie Stanton, for services as engrossing clerk for the Assembly in the year eighteen hundred and seventy-one, the sum of two hundred dollars.

“ For Geo. W. Chapman, late Canal Commissioner, for his compensation in making his final report after the expiration of his term of office, the sum of three hundred dollars.

“ For Charles H. Peck, for disbursements in the field, as State botanist, one hundred and forty-five dollars and six cents.

“ For Cornelius Ten Broeck, deputy clerk of the court of appeals, for extra compensation for the last three-quarters of the current fiscal year, provided that said deputy clerk shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled ‘An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government,’ seven hundred and fifty dollars.

“ For George Tunnecliff and Edwin C. Shafer, for extra services in the executive department, to each of them the sum of two hundred dollars, and to Edward Miggael, for extra services as military messenger, one hundred dollars.

“ For Albert V. V. Dodge, the Governor’s messenger, for extra compensation, one hundred dollars.

“ For the trustees of the State library, for additional shelving, one thousand dollars.

“ For William Wasson, late Canal Appraiser, for extra compensation for services, the sum of seven thousand and seventy-seven dollars and seventy-eight cents.

“ For Joseph N. Green, one hundred and ninety-seven dollars for the balance of his claim as allowed in the supply bill of eighteen hundred and seventy-one.

“ The sum of twenty-five thousand dollars is hereby appropriated for the completion of the new armory in the city of Auburn, and the Inspector-General of the State, Elmore P. Ross, John S. Clark, John H. Chedell, Clinton D. McDougall and Charles W. Pomeroy are hereby appointed commissioners for such purpose; but no part of said sum shall be paid over to said commissioners until the last named five commissioners shall execute a bond to the people of the State of New York, to be approved by the Comptroller, conditioned that they will faithfully discharge their duties as such commissioners, and truly account to the Comptroller for all moneys received by them for the purposes aforesaid; but said commission shall not receive any compensation for any services, or either of them, directly or indirectly, in any contract for materials or labor.

“ For the State armory at Oswego, for completing the same and for necessary heating apparatus, according to architect’s estimate and the recommendation of the Inspector-General and Quartermaster-General, the sum of nine thousand two hundred and fifty dollars.

“ For the completion of the State armory at Schenectady, for fixing platform and cannon-house, five thousand dollars.

“ For the purpose of building a fence to inclose the arsenal grounds in the city of Rochester, and to repay the sums already necessarily expended in fitting up and furnishing the rooms in the arsenal, the sum of eighteen thousand dollars.

“ The sum of ten thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, in addition to the sum of twenty thousand dollars appropriated by chapter seven hundred

and sixty-eight of the Laws of eighteen hundred and seventy-one, which sum is hereby reappropriated for the purpose of enlarging and completing the State armory at Syracuse, for the use of the twenty-fourth brigade, national guard of the State of New York, and for the housing and protection of the park of artillery attached thereto, to be expended under the direction of the Inspector-General of the State of New York, the chief of ordinance of the State of New York, Brigadier-General John A. Green, of the twenty-fourth brigade, national guard, Henry L. Duguid and Thomas B. Fitch, of the city of Syracuse, are hereby appointed commissioners for that purpose, and shall serve as such without compensation. The said John A. Green, Henry L. Duguid and Thomas B. Fitch shall, before entering upon the execution of this commission, execute to the people of this State a bond in the penal sum of sixty thousand dollars, with satisfactory securities, to be approved by the Comptroller and Treasurer of the State, conditioned for the faithful discharge of their duties as such commissioners. All vouchers for expenditures under this appropriation are to be subject to the approval of the Comptroller.

"The Commissioners of the Land office are hereby authorized, pursuant to law to sell the State arsenal at Batavia, and the grounds thereof, if, in their opinion, they deem such sale advisable.

"For J. L. Snow, for services and disbursements as clerk to the commission appointed by chapter seven hundred and fifteen, Laws of eighteen hundred and seventy one, the sum of one hundred and fifty dollars."

Page 6, line 24, after the word "the" insert the word "late." Strike out lines 27, 28, 29, and 30, being item for Duncan C. McMillan.

Same page, line 32, strike out the words "for the year," and insert the words "from the first of January to the first of October."

Line 33, strike out the word "seven" and insert the word "five," and strike out the word "fifty" and insert the words "sixty-two," and after the word "dollars" add the words "and fifty cents."

"For the expenses of the officers of the United States service appointed by the President of the United States to revise the exterior lines of the harbor of New York, to be paid upon vouchers to be furnished to and audited by the Comptroller of this State, the sum of five thousand dollars, or so much thereof as may be necessary."

Same page, line 10, strike out the word "north" and insert in lieu thereof the word "west." Same line, strike out the word "south" and insert the word "north." Line 11, strike out the word "High" and insert the word "Hawk."

Page 7, add after line 26 the following as new paragraphs:

"For the city of Rochester, for the amount apportioned and assessed by the authorities of said city upon the property belonging to the State known as the Western House of Refuge, for sewer constructed in Lake avenue and Varnum street in said city, the sum of three thousand two hundred and forty-one dollars.

"For the reimbursement of Erie county, to be paid to the treasurer thereof, for moneys advanced and paid by said county, interest being reckoned to date, for building a bridge across Cattaraugus creek, on the Indian reservation, the sum of six thousand one hundred and ninety-two dollars and eighty-two cents; and the paragraph of chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, page one thousand five hundred and seventy-nine, appropriating five hundred dollars for that purpose, is hereby repealed."

Page 8, line 3, add at the end thereof the following new paragraph:

"The legal representatives of the late Hon. Jacob Hardenbergh, late State Senator, are hereby authorized to draw his per diem allowance during the present session, three hundred dollars, and the mileage allowed by law, twelve dollars."

Page 8, add after line 22, as new paragraph, the following:

"The unexpended remainder of one hundred and sixty-five dollars and five cents of the appropriation made by chapter seven hundred and seventeen of the Laws of eighteen hundred and sixty-eight, and chapter four hundred and ninety-two, Laws of eighteen hundred and seventy, to the State Cabinet of Natural History for the purchase and binding of books, is hereby reappropriated in the terms therein stated for the same purpose. The course of lectures required by chapter five hundred and fifty-seven, Laws of eighteen hundred and seventy, and chapter seven hundred and eleven, Laws of eighteen hundred and seventy-one, may be discontinued in the discretion of the Regents of the University; and the resolution of the Legislature of eighteen hundred and sixty-nine, requiring the opening and lighting of the rooms of the State Cabinet of Natural History, is hereby rescinded."

Page 9, line 33, strike out the word "five" and insert in lieu thereof the word "four."

Page 10, line 29, strike out the word "three" and insert in lieu thereof the word "eight."

Page 11, add after line 23, as new paragraphs, the following:

"For Warburton, Bonyng and Underhill, stenographers, for reporting and transcribing the testimony taken before the Assembly committee on commerce and navigation, in the matter of investigation into the charges against the Pacific Mail Steamship Company, the sum of eighty-three dollars.

"The Comptroller of this State is hereby authorized, out of the unexpended balance remaining in the treasury of the sum appropriated to the port wardens of the port of New York, by chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, page five hundred and eighty, to pay to the treasurer of the said port wardens the sum of six hundred and twenty-eight dollars and sixty-four cents, for books and stationery furnished them.

"For binding the United States census of eighteen hundred and seventy, as transmitted to the office of the Secretary of State of this State from the Census Bureau at Washington, the sum of two hundred dollars, or so much thereof as may be necessary.

"For the New York State Poultry Society, the sum of fifteen hundred dollars, to be paid upon the order of Thomas B. Kingsland, as president."

Page 11, add at the end of line 31, the following: "In case the State was an individual or corporation."

Same page, strike out lines 32 down to and including line 4, page 12, being item to pay to order of bank of Owego two thousand seven hundred and fifty two dollars and eighty-eight cents."

Page 12, line 16, strike out the word "seven" and insert the word "six." Same line, strike out the words "five hundred." Line 17, strike out the word "four" and insert the word "three," and strike out the words "five hundred" in lines 17 and 18. Line 25, strike out the word "one" and insert the word "three," and strike out the words "five hundred."

Same page, add at the end of line 36, as new paragraphs, the following:

"For services and expenses of medical commissioners appointed by the Governor and courts of oyer and terminer, pursuant to chapter six hundred and sixty-six, Laws of eighteen hundred and seventy-one, to inquire into the medical condition of persons under indictment or conviction for offenses, the punishment of which is death, two thousand dollars, the amount to be paid in each case to be certified by the Governor.

"For the Commissioners appointed to confer with the State of New Jersey, in regard to quarantine jurisdiction, boundary line, etc., pursuant to section seven, chapter six hundred and thirteen, Laws of eighteen hundred and sixty-five, for compensation and expenses, three thousand dollars.

"For the Commissioners of fisheries, to be expended as they may deem proper, upon vouchers to be approved by the Comptroller, for the purpose of replenishing the lakes and rivers of this State with fish, the sum of fifteen thousand dollars.

Page 13, add after line 8, as new paragraph, the following:

"The sum of two thousand nine hundred and eighty-four dollars and forty-nine cents, being the balance in the treasury appropriated by the acts chapter four hundred and seventy, Laws of eighteen hundred and sixty-nine, and chapter five hundred and twenty-four, Laws of eighteen hundred and seventy, is hereby reappropriated to the payment of certain certificates issued to the militia of this State for services in the war of eighteen hundred and twelve, as provided in said act."

Add at the end of line 24, the following: "Or so much thereof as may be necessary."

Page 14, line 25, strike out the words "occupying six days."

Page 15, lines 25 and 26, strike out the words "one hundred."

Page 17, strike out after the word "dollar," in line 16, to and inclusive the whole of line 17.

Line 24, strike out the word "four" and insert the word "six."

Insert as new paragraph, after line 26, the following:

"Peter S. Palmer, for services as counsel in the Black river canal claims before the Canal Appraisers, for traveling expenses in attending meetings of the Board of Canal Appraisers, and visiting and examining the reservoir, and in taking testimony, one thousand four hundred and seventy-nine dollars and twenty-six cents.

"For David P. Loomis, for services and expenses as counsel for the State in seventy-four canal claim cases, upon the certificate of the Canal Appraisers, the sum of four hundred and forty-eight dollars and one cent."

Strike out from line 27, page 17, to and including the words "supreme court," in line 1, page 18, and insert the following: "From and after the passage of this act the district attorney of any county in which an important criminal case is to be tried, with the approval in writing of the county judge of the county, which shall be filed in the county clerk's office, may employ counsel to assist him in such trial, and the cost and expense thereof to be certified by the judge presiding on such trial."

Page 18, strike out the words "Attorney-General" in lines 7, 8 and 9, and insert the words "party entitled to the same."

Strike out all of lines 9 to 19, inclusive.

Page 18, insert as new paragraphs, after line 19, the following:

"The Comptroller of this State is hereby authorized and directed to-



adjust the account of Hudson C. Tanner, stenographer, for reporting the Black river claims, so called, and when so adjusted the treasurer shall pay him at the same rate, proportionately for actual service, and when actually subject to the direction of the State attorney in those cases, less the amount already paid, as the Assembly stenographer is entitled to receive for reporting and transcribing, and to reimburse him for moneys expended by him for assistant stenographers and other necessary disbursements, and for that purpose the sum of nine thousand two hundred and seven dollars, or so much thereof as may be necessary, is hereby appropriated.

“For the law library of the eighth judicial district, fifteen hundred dollars, and for the law library of the fifth judicial district, four thousand dollars for the purchase of books.”

Page 19, strike out lines 11 to 20, both inclusive, and insert the following:

“For the Auburn State prison, for building and repairs, two thousand dollars; for purchase of land for burying-ground for prison and asylum, five hundred dollars; for slating and repairing roofs, one thousand dollars; for paints and oils, five hundred dollars; for new doors, casements and locks for north wing, ten thousand dollars; and for replenishing the library for the use of the convicts therein, five hundred dollar, and for supplying an additional number of testaments and hymn books, two hundred dollars; these two last items to be expended under the direction of the chaplain of the prison, upon vouchers to be approved by the Comptroller.”

Insert after line 20, as new paragraph, the following:

“For the purpose of enlarging the asylum for the insane convicts at Auburn, the sum of twenty-five thousand dollars, to be expended by the Inspectors of State Prisons, and in the construction of said enlargement, said Inspectors are required to employ convict labor as far as practicable, and they may take such or so many convicts skilled in mechanical labor from any of the prisons of this State, as may be necessary.”

Page 20, line 36, after the word “general” insert the words “and the State Engineer and Surveyor to be a just and legal claim against the State, in case the State was an individual or corporation.”

Page 21, after line 16 insert the following:

“John H. Reynolds, five hundred dollars for counsel fees for defending the right of the sitting member from the nineteenth Assembly district of the county of New York to his seat.”

Page 22, line 8, strike out the word “such” where it secondly occurs and insert in lieu thereof the word “sums.”

Add after line 24, same page, as new paragraphs, the following:

“For furnishing a statue of George Clinton, to be placed in the capitol at Washington, the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary.

“For the Normal School at Fredonia, to be paid to and expended by the local board thereof for improving the heating apparatus of said school, the sum of three thousand dollars.

“For supplying the Potsdam Normal School building with water, six hundred dollars.

“For the Normal School at Geneseo, to be paid and expended by the local board for repairing and replacing the heating apparatus of said school, the sum of three thousand dollars.

“For the Normal School at Cortland, the sum of one thousand dollars



appropriated by chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for repairs, etc., but not drawn, is hereby reappropriated, to be paid upon the certificate of the Superintendent of Public Instruction as provided in said act.

“For the Normal School at Buffalo, to be expended by the local board thereof, for repairing of the school building, six thousand dollars, or so much thereof as may be necessary.

“For the Normal School at Brockport, for repairs to be expended by the local board, three thousand dollars, or so much thereof as may be necessary.”

Page 22, line 27, after the word “amount” insert the words “claimed to be.” Line 31, after the word “which” insert the words “it is claimed.”

Add at the end of line 35 the following: “if upon investigation the Comptroller shall ascertain that the same has not been paid and is due.”

Page 23, line 4, after the word “amounts” insert the words “claimed to be.” Line 8, after the word “sums” insert the words “it is claimed.”

Add at the end of line 11 the following: “If upon investigation the Comptroller shall ascertain the same have not been paid and are due.”

Same page, after the word “treasurer,” line 20, add “if upon investigation the Comptroller shall ascertain the same has not been paid and is due.”

Insert after line 20, as new paragraphs, the following:

“For the treasurer of the county of Herkimer, eight hundred and thirty-nine dollars and thirty-seven cents, that being the amount claimed to be due said county, pursuant to chapter eight hundred and fifty-seven, Laws of eighteen hundred and sixty-nine, but which said amount, it is claimed has not been drawn, and it is hereby reappropriated, and shall be paid into the treasury of said county of Herkimer, subject to the order of the board of supervisors thereof, if upon investigation the Comptroller shall ascertain that the same has not been drawn and is due.”

Same page, line 24, after the word “that” insert the word “being.” Line 25, after the word “which” insert the words “it is alledged.”

“For the treasurer of the county of Otsego, nine hundred and forty-nine dollars and eighty-one cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and fifty-seven, Laws of eighteen hundred and sixty-nine; and nine hundred and sixty-five dollars and fifty-five cents, that being the amount claimed to be due said county pursuant to chapter seven hundred and four, Laws of eighteen hundred and seventy; and the sum of nine hundred and thirty-one dollars and sixty-five cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and sixty-nine, Laws of eighteen hundred and seventy-one, but which said amounts, it is claimed, have not been drawn, and they are hereby reappropriated and shall be paid into the treasury of said county of Otsego subject to the order of the board of supervisors thereof, if upon investigation the Comptroller shall ascertain that the same have not been drawn and are due.

“The Comptroller is hereby authorized to withhold payment of any appropriation named in chapter eight hundred and fifty-seven, Laws of eighteen hundred and sixty-nine, seven hundred and four, Laws of eighteen hundred and seventy, and eight hundred and sixty-nine, Laws of eighteen hundred and seventy-one, when possessed of information from any responsible source which in his judgment will justify such action until the objection is removed.

“For the Willard Asylum for the Insane, to be expended under the

direction of the trustees thereof, for the completion, furnishing, heating, putting in steam, water and gas pipe, and for sewerage of the north wing extension, and for the detached buildings now partially erected, and for finishing and furnishing the same, thirty-five thousand dollars; for enlarging and equipping the laundry thereof, for grading and ornamenting the grounds, and for completing the center buildings and wings, twenty thousand dollars; for the erection and furnishing of two dormitory buildings, to complete the group of detached buildings now in course of erection, thirty-five thousand dollars; for the extension and improvement of piers, dock and harbor, five thousand dollars; for the improvement of the farm, making fences, bridges and roads, and the purchase of stock and implements, ten thousand dollars; for fuel until the first of October, eighteen hundred and seventy-two, six thousand dollars, and after said first of October, eighteen hundred and seventy-two, the necessary fuel shall be included among the expenses of maintaining the patients of said institution; for fire engine and appliances for extinguishing fire, ten thousand dollars; and for furnishing a permanent supply of water, fan and furniture, ten thousand dollars. Section three of chapter three hundred and forty-two of the Laws of eighteen hundred and sixty-five, is hereby so amended as to allow the employment of a building superintendent other than one of the board of trustees of said asylum."

Page 23, strike out from and including line 29 down to and including line 16, page 24, being items for "deaf-mutes of the city of New York and for Willard asylum."

Page 24, line 23, strike out the word "and." Line 24, after the word "Houck" insert the words "Alonzo Tanner and Merritt Brooks."

Insert after line 25, as new paragraph, the following:

"To the New York State Institution for the Blind at Batavia, for furnishing repairs, improvement of grounds and other necessary expenses, ten thousand dollars, or so much thereof as may be necessary."

Page 25, strike out from and including line 29 down to and including line 9, on page 26, and insert in lieu thereof the following:

"For the Inebriate Asylum at Binghamton, to purchase a certain mortgage upon the property thereof, authorized by the Legislature of eighteen hundred and sixty-one, for principal and interest, the sum of sixty-six thousand three hundred dollars; the Commissioners of the Land office shall take an assignment and transfer of, and hold said mortgage for the benefit of the State. Allen Munroe is hereby appointed a trustee of said asylum in the place of Pierson Mundy, Lotus Ingalls in the place of William W. Gordon, Benjamin F. Bruce in the place of Asher P. Nichols, E. Ely in the place of John G. Orton, and Charles Van Benthuyssen in the place of Peter L. Danforth; and the said Pierson Mundy, William N. Gordon, Asher P. Nichols, John G. Orton and Peter S. Danforth, are hereby removed as such trustees, and the State Comptroller is hereby added to the board of trustees of said asylum."

"For the salaries of officers, eight thousand dollars, or so much thereof as may be necessary."

"For the New York State Lunatic Asylum at Utica, to reimburse their fund for the support and maintenance, for moneys taken therefrom to make additions, alterations and repairs to the buildings thereof, the sum of fifty-two thousand nine hundred and twenty-nine dollars and sixty cents."

Page 26, line 10, after the word "convicts" insert the words "at Auburn."

Insert after line 11, as new paragraphs, the following :

"For furniture for the Homœopathic Asylum for the Insane at Middletown, to be paid when the Comptroller is satisfied that the said asylum buildings are ready to receive the same, ten thousand dollars, or so much thereof as may be necessary.

"The lands of the State Homœopathic Asylum for the Insane at Middletown consisting of about two hundred acres, having been paid for by private donations, and good and sufficient warranty deed free from all incumbrances having been obtained for the State, the Treasurer is hereby directed to pay on the warrant of the Comptroller, the remainder yet unpaid of the appropriation of one hundred and fifty thousand dollars, made by chapter two hundred and thirty-seven of the Laws of eighteen hundred and seventy-one, passed March thirty-one, eighteen hundred and seventy-one, without the conditions prescribed requiring the trustees to raise by private or municipal donations, other than from the State, an amount equal to one-half of the sum appropriated by the State.

"For the New York Orthopædic Dispensary, for treatment of spinal and hip-joint diseases, twenty thousand dollars, to be expended in the erection of a hospital and clinic rooms, whenever a like amount shall have been raised and paid in by private subscription, and whenever it shall be proven to the Comptroller that said institution has during the past year treated free of charge at least three hundred indigent patients, residents of this State, and on the further condition that said institution shall hereafter treat annually free of charge all indigent patients, residents of this State, who shall apply for such treatment to the number of five hundred.

"For the Brooklyn City Hospital, the sum of nineteen hundred and forty-nine dollars and seventy-eight cents, being the proportionate part of the appropriation of seventy-five thousand dollars, to hospitals in chapter eight hundred and sixty-nine, of the Laws of eighteen hundred and seventy-one, due to the said Brooklyn City Hospital, but not received by it.

"For the Western House of Refuge, for deficiency in the appropriations of last year, and for over draughts for expenses in putting in apparatus for heating, for constructing main and lateral sewers, and for building boiler-house, the sum of twenty thousand dollars.

Page 27, strike out lines 4, 5, 6 and 7, and insert in lieu thereof the following :

"For Henry S. Van Etten, as compensation for services as superintendent in the manufacturing department of Sing Sing prison, the sum of two thousand dollars, which the Comptroller is hereby authorized and required to pay to him."

Insert after line 11, as new paragraph, the following :

"For additional compensation for the keeper of Washington's headquarters, Newburgh, one hundred and fifty dollars."

Same page, strike out lines 18 to 26, inclusive, being item for "Charles J. Everett."

Page 28, line 5, strike out all after the word "cents," down to and including the word "dollars," in line 7. Same page, strike out lines 20 and 21 and the words "twenty-five cents" in line 22, being item for "Hand's Reports to Board of Regents."

Insert after line 24, as new paragraph, the following :

“For the law libraries of each of the judicial districts of the State, for the purchase of books, one thousand dollars.”

Page 29, lines 23 to 29, inclusive, strike out the following words : “For twelve hundred and twenty-five copies New York Civil List for eighteen hundred and seventy-one, furnished pursuant to a resolution of the Assembly, passed April eighteen, eighteen hundred and seventy-one, the sum of three thousand six hundred and seventy-five dollars, to be paid upon the certificate of the delivery of the books by the Secretary of State.”

Page 30, lines 8 to 11, strike out the following words : “For ninety-five copies Legislative Manual, eighteen hundred and seventy-one, pursuant to resolution of Assembly, passed January thirty-one, eighteen hundred and seventy-two, ninety-five dollars.”

Add at the end of line 14, the following : “And for engraving, printing and coloring lithographic plates for volumes twenty-three and twenty-four of the State Cabinet of Natural History, seven thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the State Curator of the State Cabinet of Natural History.”

Lines 15 to 25, strike out the following words : “For printing and binding in cloth, as per resolution of Assembly, passed March twenty-four, eighteen hundred and seventy-one, in addition to the regular legislative number, forty-eight hundred copies of the report of the State Engineer and Surveyor on railroads, for eighteen hundred and seventy (twenty-four hundred on fine paper for the Legislature, and twenty-four hundred on extra fine paper for the department), one thousand and fifty-six pages, the sum of eight thousand six hundred and forty dollars.”

Page 31, strike out from and including the word “for,” in line 3, down to and including the word “cents,” in line 11, page 32, being the following words : “For printing and binding eight hundred copies ‘classified index of bills introduced into the Assembly’ pursuant to resolution of the Assembly, passed April eighteen, eighteen hundred and seventy-one, the sum of two hundred and seven dollars and forty cents; and for printing and binding, pursuant to resolution of the Senate, passed April twenty, eighteen hundred and seventy-one, five hundred copies of the ‘catalogue of petitions and papers presented to the Senate,’ the sum of one hundred and fifty-eight dollars and ten cents; for printing and binding, in pursuance of Assembly resolution passed April, eighteen hundred and seventy-one, eight hundred copies of the ‘catalogue of petitions and papers on file in the Assembly,’ the sum of two hundred and seventy-five dollars and sixty cents; for printing and binding five hundred copies of the ‘index to Senate bills’ (four hundred and fifty bound in cloth and fifty in full sheep), in pursuance of resolution of Senate passed April, eighteen hundred and seventy-one, the sum of nine hundred and forty-seven dollars and ninety-seven cents; for printing and binding, in pursuance of Assembly resolution passed March fifteen, eighteen hundred and seventy-one, two thousand copies of the ‘report of the board of commissioners of the department of parks in the city of New York,’ including the engraving and printing of two maps, two thousand copies of each, the sum of one thousand four hundred and fifty-four dollars and fifty-two cents; for printing and binding in cloth, with engraved title pages, in pursuance of a resolution of the Assembly, passed February five, eighteen hundred and sixty-nine, two thousand copies of volume three of the ‘Adjutant-General’s report for eighteen hundred and sixty-eight,’ the sum of three

thousand nine hundred and twenty-six dollars and twenty-nine cents; for printing and binding, in full sheep, five hundred copies of the 'cases of contested elections to seats in the Assembly from seventeen hundred and seventy-seven to eighteen hundred and seventy-one, with an appendix of the election laws,' in pursuance of a resolution of the Assembly, passed April eighteen, eighteen hundred and seventy-one, the sum of one thousand seven hundred and forty-four dollars and fifty-five cents; for printing and binding, in full sheep, five hundred copies of the index to documents, in pursuance of a resolution of the Assembly passed April eighteen, eighteen hundred and seventy-one, the sum of one thousand nine hundred and eighty-nine dollars and ninety-two cents."

Page 32, strike out from lines 16 to 21 the following words: "and for printing and binding, in full sheep, five hundred copies of the 'compilation of cases of breaches of privileges of the House,' pursuant to a resolution of the Assembly, passed April eighteen, eighteen hundred and seventy-one, the sum of eight hundred and eighty-seven dollars and ninety-one cents."

Insert after line 35, as new paragraph, the following:

"For W. C. Little & Company, for law books supplied to the office of the Attorney-General, from January seventeen to March twenty-two, eighteen hundred and seventy-two, the sum of three hundred and ninety-five dollars, and for books furnished said office from May first, eighteen hundred and sixty-nine, to March ten, eighteen hundred and seventy, sixty-four dollars."

Page 33, insert after line 20, new paragraph, as follows:

"To John Patterson, State superintendent of weights and measures, in accordance with the provisions of section eighteen, chapter one hundred and thirty-four of the Laws of eighteen hundred and fifty-one, two hundred dollars."

Page 33, line 23, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred and seventy-five."

Page 35, strike out lines 4 to 7, both inclusive, being item in relation to "State Reformatory at Elmira."

Same page, line 14, after the word "vats" insert the following: "pursuant to chapter two hundred and seventy-nine of the Laws of 1870."

Same page, line 33, after the word "punish" insert the words "the offender for."

Page 36, line 2, after the word "punish" insert the word "for."

Page 36, add after line 23 the following:

"The Commissioners of Quarantine are hereby authorized and empowered to select a site to be approved by the health officer, for a boarding station for vessels coming from non-infected ports, including if practicable a residence for the health officer and his deputies, and to purchase or enter into a contract for the purchase of the same upon such terms and conditions as shall be approved by the health officer, and the Commissioners of the Land office. But such site shall not be located on Long Island or Coney Island."

Page 37, line 14, before the word "health" insert the word "present."

Add at end of line 14 the following:

"And the lower of the West Bank Islands, built under the direction of Dr. Swinburne, shall hereafter be known and designated as Swinburne Hospital Island."

"For the owners of the lands on Staten Island, conveyed to them by the State, by letters patent, dated January fourteen, eighteen hundred



and sixty-nine, the sum of six thousand dollars, or so much thereof as the Comptroller shall ascertain and determine to have been paid by them for interest accruing prior to May first, eighteen hundred and seventy-one, on the mortgage executed by the commissioners of emigration on said lands, and for costs and expenses paid by said owners by reason of an action brought to foreclose said mortgage, and for interest on such moneys paid for such interest, costs and expenses of foreclosure from the time of the payment of the same by said owners.

"The time for the corporation, formed under the authority of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for the erection of warehouses for quarantine purposes to commence its operations, is hereby extended for the period of two years from and after the passage of this act, and said corporation shall not be deemed dissolved if it shall commence its operations within that period."

Page 37, strike out all from line 20 to line 26, both inclusive, "relating to deaf-mutes in the city of New York."

Page 38, insert after line 3, as new paragraph, the following :

"For Horatio N. Farnham, for compensation as agent of the Cayuga Indians, for disbursing annuities four years, one hundred dollars."

Same page, lines 4 and 5, strike out the words "for extra compensation."

Page 39, insert after line 5, as new paragraph, the following :

"The commissioners appointed under and by virtue of the provisions of chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, to examine the subject of taxation of lands upon the Buffalo creek, Allegany and Cattaraugus Indian reservation, and to report a plan for the equitable adjustment and settlement of the same, as between the State, the counties and individuals, are hereby authorized to report to the next Legislature; and Nelson K. Hopkins is hereby appointed as one of said commissioners, in place of Asher P. Nichols, absent from the State."

Page 39, strike out from and including line 6 down to and including line 15, being items to "Daniel S. Lamont."

And insert the following as new paragraphs after line 24 :

"Any city or county in which a hospital duly incorporated is situated, may send to and support in the same, such sick and disabled indigent persons as require medical or surgical treatment, and when admitted the authorities of such city or county shall pay to the directors of such hospital such sum per week as may be agreed upon, or found to be just during the period in which such persons shall remain in such hospital.

**"PAYABLE FROM THE UNITED STATES DEPOSIT FUND.**

"For the city of Binghamton, to be applied as a portion of the common school fund apportioned to said city for the current fiscal year, the sum of eight hundred dollars, payable from the United States deposit fund, which sum was withheld from said city owing to failure of apportionment.

**"PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.**

"For the redemption of State stock issued to the New York and Erie Railroad Company, reimbursable May first and July first, eighteen hundred and sixty-one, six thousand dollars."

Page 39, strike out all of said page, from and including line 30, and insert the following :



"For the Canal Appraisers, for additional compensation for the current fiscal year, to each of them, the sum of three thousand dollars; and from and after the first day of October, eighteen hundred and seventy-two, the salary of said officers is hereby fixed at five thousand dollars each, in full of all compensation for their services, and for clerk hire in the office of the Canal Appraisers, in addition to the amount now allowed by law, the sum of four thousand dollars, or so much thereof as may be found necessary, to be paid by the Auditor of the Canal Department on the certificate of the chairman of the board of Canal Appraisers.

"For William McGourkey, deputy auditor in the Canal Department, and Edmund Savage, clerk in that department, for extra labor performed by them in the years eighteen hundred and sixty-nine, and eighteen hundred and seventy, in consequence of the change in the system of canal repairs, to each of them five hundred dollars."

Page 40, strike out from and including line 1, down to and including line 16, being items for "Peter S. Palmer" and "Hudson C. Tanner."

Strike out lines 22, 23 and 24, being item for "Daniel P. Loomis," which is transferred.

And the said committee have further agreed to recommend that the Assembly concur in the following amendments to the bill as made by the Senate, amended in conference so as to read as follows:

"The Clerk of the Assembly for advances for carriages and other expenses for Governor, court of appeals and committees from Senate and Assembly, for funeral of the late Senator Hardenbergh, at Kingston, one hundred and fifty-eight dollars.

"For the clerks, the journal, assistant and deputy clerks, and stenographers of the Senate and Assembly, for compensation for clerical and stenographic services from and after the tenth day of April, until the close of the present session, to each of them, the same per diem compensation respectively as their respective salaries as now established by law would give per day for a session of one hundred days. And to the clerks of the President of the Senate and Speaker of the Assembly, and the clerks of the committees on engrossed bills, to each of them, six dollars per day, for services from and after the tenth day of April until the close of the present session, such service to be certified by the presiding officers of the respective houses of the Legislature.

"For the clerk of the special committee appointed by resolution of the Senate to investigate and report upon the charges against James Terwilliger, Clerk of the Senate, one hundred dollars.

"For Verplank Colvin, of Albany, N. Y., one thousand dollars to aid in completing a survey of the Adirondack wilderness of New York, and a map thereof; and he shall render to the Legislature, within thirty days after the opening of the next annual session thereof, a full report of his explorations and survey."

Strike out lines 8 to 14, inclusive, being item for Onondaga Indians, and insert the following in lieu thereof:

"For erecting a school-house on the Onondaga reservation, for the use of the Onondaga Indians, the sum of five hundred dollars, to be expended under the direction of the Honorable Horatio Seymour, of Utica, and the Reverend F. D. Huntington, bishop of the diocese of Central New York, if the same shall be deemed advisable by the Superintendent of Public Instruction, and which school is to be subject to the visitation and control of the Superintendent of Public Instruction."

Insert after line 19, page 18, as new paragraph, the following :

“For compensation to the members of the court for the trial of impeachments, other than the judges of the court of appeals, which members shall receive for their services while actually attending said court, when summoned, the same rate of compensation as the judges of the court of appeals (other than the chief judge) are entitled by law to receive for their services and expenses for the same time, and for compensation of the managers on the part of the Assembly, who shall receive the same rate of compensation as the members of said court of impeachment (other than the said chief judge) are entitled to receive for services and expenses for the same time, thirty-five thousand dollars, or so much thereof as shall be necessary ; and for the per diem and mileage of the officers of said court at the same rate as the same officers are allowed by law for attendance upon the Legislature, and for the expenses of necessary stenographic assistants and printing, service of subpoenas (when not served by an officer of the court), and for fees of witnesses, to be paid on the certificate of the president of the court, fifteen thousand dollars, or so much thereof as shall be necessary ; and for the necessary expenses of the managers and of counsel employed by them during the trial, not above provided for, to be paid on the certificate of the chairman of said board of managers, six thousand dollars, or so much thereof as may be necessary ; and the Comptroller is hereby authorized to pay the expense of printing the testimony heretofore taken by the judiciary committee of the Assembly in the judicial investigation in the city of New York, and authorized by resolution of the Assembly, and the sum of six thousand dollars, or so much thereof as shall be necessary, is hereby appropriated for that purpose.”

Page 20, strike out lines 1 to 8, inclusive, and insert the following in lieu thereof :

“For the Reverend James Hasson, for religious and other services rendered to the convicts at Sing Sing prison, nine hundred dollars.”

Page 20, after line 8, insert the following :

“For David B. McNeil, for compensation in making up report of Inspectors of State Prisons, after the expiration of his term of service, one thousand dollars. Hereafter no such compensation shall be paid to any Inspector of State Prisons. And any failure on the part of said inspectors, hereafter to make their annual report to the Comptroller at the time and in the manner now required by law shall be a misdemeanor on the part of each of such inspectors and shall subject each of them to the indictment and punishment now provided by law for misdemeanor. And the Comptroller of this State, or such persons as he may appoint in his place shall have power at any time that he may deem proper to make such examination as he may deem necessary into the affairs of the prisons of this State, and for that purpose shall have the powers of a court of record to subpoena witnesses and compel their attendance, to administer oaths and to examine such witnesses under oath in relation to any matters pertaining to such prisons. The persons whom he may appoint shall also have power to examine all the books, papers and vouchers of said prisons, and it shall be the duty of any and all the officers of said prisons to furnish the persons appointed by said Comptroller, with all books, papers and vouchers pertaining to said prisons whenever they shall be demanded by said persons so appointed by said Comptroller.

“For the completion of the buildings of the Hudson River State Hos-

pital for the Insane, already commenced, for water and sewerage, for stock and improvement of farm and grounds, for furniture, furnishing books and instruments, and for deficiencies in expense account incident upon the opening of the hospital, one hundred and fifty thousand dollars.

"For the purpose of carrying out the provisions of chapter four hundred and twenty-seven, Laws of eighteen hundred and seventy, for the erection of the State reformatory at Elmira, the sum of two hundred thousand dollars is hereby appropriated, and the board of building commissioners thereof shall hereafter consist of nine persons instead of five, as provided in said act; and from and after the passage of this act, William Dundas, Frank H. Atkinson, Samuel C. Taber, John Davis Baldwin, Stephen T. Arnot, of Elmira; Charles C. B. Walker, of Corning; Charles D. Champlain, of Urbana; Ezra S. Buckbee and Abraham H. Miller, of Owego, shall constitute such commissioners in place of those heretofore appointed under said act, and they shall possess all the powers and be subject to all the provisions contained in said act in relation to said building commissioners.

"For Michael Cassidy, for compensation for additional services imposed on him by the trustees of the capitol, and by the State officers in taking charge of State property and buildings adjoining the capitol, three hundred dollars, and hereafter the salary of the keeper of the capitol shall be twelve hundred dollars, and no allowance shall be made to him for additional compensation."

And the said committee have further agreed to recommend that the Senate recede from the following amendments to the bill as made by the Senate, as follows:

Page 2, line 28, strike out the word "four" and insert the word "seven." Line 29, strike out the word "seven" and insert the word "ten."

"For Edward M. Johnson as Clerk of the Assembly, in place of Cornelius S. Underwood, deceased, from and including the first day of May, to the close of the present session, at the same rate per day as the Clerk of Assembly is entitled to receive by law for the session, five hundred dollars, or so much thereof as shall be necessary.

"For H. Rulison, for nine days' services as doorkeeper in the Assembly in eighteen hundred and sixty-eight, forty-five dollars.

"For Daniel J. Pratt, for labor in the preparation of the annals of public instruction in the State of New York, for the period from sixteen hundred and twenty-six to seventeen hundred and forty-six, as ordered by the Senate on the twenty-ninth day of March, eighteen hundred and seventy-one, and for the use of the copyright of the same, two hundred and fifty dollars, payable when the copies so ordered shall have been delivered.

"For R. P. Cormack, for overhauling, rearranging and labeling Senate library, over sergeant-at-arms' room, during the recess of the Legislature, pursuant to instruction of the Clerk of the last Senate, two hundred dollars.

"For Norman S. Curtis, late assistant librarian in the State library, for additional compensation, two hundred dollars.

"For the State library, for extra compensation of the employes in the State library for the last three-quarters of the present fiscal year, three hundred and fifteen dollars.

"For Beman Brockway, late Canal Appraiser, for extra compensation

for services, the sum of four thousand eight hundred and thirty dollars and sixty-seven cents.

"For E. P. Brooks, late Canal Appraiser, for extra compensation for services, the sum of four thousand eight hundred and thirty dollars and sixty-seven cents."

After line 33 insert the following new paragraph:

"For Joseph McMahan, special messenger of the Senate, two hundred dollars."

Page 7, line 7, add the following new paragraph:

"For General Ward B. Burnett, for services and disbursements, from June first to December thirty-first, eighteen hundred and sixty-three, under orders from the Adjutant-General of this State, of May twelve, eighteen hundred and sixty-three, in perfecting various regimental organizations in the city of New York, the sum of two thousand four hundred and fifty-six dollars and sixty-five cents, to be refunded to the State by the general government."

Page 14, in line 26, strike out the words "one thousand," and insert in lieu thereof the words "six hundred."

Page 15, strike out lines 7 to 15 inclusive, being item for Samuel W. Jackson.

Page 19, line 7, after the word "dollars," insert the following: "For iron galleries, five thousand dollars."

Insert after line 8 the following new paragraphs:

"For the Inspectors of State Prisons, for traveling expenses, in addition to the amount provided by law for the current fiscal year, to each of them, eight hundred dollars.

"For the prison association of New York, the sum of four thousand dollars.

"To John Gebhard for expenses incurred by him for boxes, packing, freight, cartage and insurance on his collection of fossils and minerals sold to the State in eighteen hundred and seventy-one, two hundred and fifty dollars, or so much thereof as the Comptroller shall find to be justly due him for the above expenses."

Page 21, strike out lines 12, 13, 14, 15 and 16.

Page 24, line 19, strike out the word "one" and insert the word "two" in lieu thereof. Line 20, strike out the words "and fifty."

Page 26, insert after line 9, as new paragraphs, the following:

"For providing for a permanent supply of water for the asylum, fifteen thousand dollars, and for enlarging and repairing the heating apparatus thereof, eight thousand dollars.

"For Western House of Refuge, for constructing new entrance and gate lodge, the sum of ten thousand dollars, or so much thereof as may be necessary."

Same line, page 32, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

Line 35, strike out the words "one thousand" and insert the words "two hundred and fifty."

"For R. H. Shankland, for additional compensation as agent of the Onondaga Indians, for disbursing annuities, three hundred dollars.

Same page, line 15, after the word "services" insert the following: "And all fees or percentage allowed by law for receiving and paying such tax in excess of said sum shall belong to the city of New York, and remain in the treasury."

"And for Jane Gray and Sarah Moran, employed in cleaning the State library rooms, to each of them fifty dollars, for additional compensation."

All of which is respectfully submitted.

D. P. WOOD,  
C. H. ADAMS,  
J. LORD,

*Senate Committee.*

T. G. ALVORD,  
EDWARD D. WHITE,  
DAVID B. HILL,

*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	Winslow
Allen	Foster	McGowan	Tiemann	D. P. Wood
Baker	Graham	Madden	Wagner	J. Wood
Bowen	Lewis	Murphy	Weismann	Woodin
Chatfield	Lord	O'Brien		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. J. Wood, from the committee on the judiciary, presented the following report :

The judiciary committee, to whom was referred the message of His Excellency the Governor recommending the removal from office of John H. McCunn, one of the judges of the superior court of the city of New York, report that they recommend that the committee be empowered to cause to be served on the accused personally a copy of the charges made against him, transmitted by the Governor to the Senate, with a notification that the accused be required to appear before the committee on a day to be named in the notification, and then and there to settle and agree upon the issues to be tried, and to receive and serve a written list of the witnesses to be examined, and to determine the time and manner in which the investigation shall proceed.

The committee therefore propose the following resolution :

*Resolved,* That the recommendations of the committee on the judiciary be adopted, and that the committee be instructed to proceed accordingly.

JAMES WOOD, *Chairman.*

The President put the question whether the Senate would agree to said report, and it was decided in the affirmative.

On motion of Mr. Winslow, the Senate took a recess until four o'clock.

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FOUR O'CLOCK, P. M.

The Senate again met.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act creating a Board of Commissioners of Emigration, and conferring therein certain powers and duties," respectfully report :

That they have agreed to strike out the name of "Willy Wallach," in line 1, section 1, engrossed bill, and insert in lieu thereof the name of



“Frederick Germann,” and also by adding the name of “Alexander H. Stewart” as one of said Board of Commissioners of Emigration, and recommend that such amendments be adopted.

JOHN C. PERRY,  
N. M. ALLEN,  
WM. JOHNSON,  
*Senate Committee.*

JAMES W. HUSTED,  
GEO. H. MACKAY,  
DAVID W. JUDD,  
CONRAD GEIB,  
TIMOTHY CAMPBELL,  
*Assembly Committee.*

Dated *May* 14, 1872.

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Dickinson	Lewis	Palmer	Weismann
Bowen	Foster	Lowery	Perry	J. Wood
Bowen	Graham	McGowan	Robertson	Woodin
Chatfield	Harrower			

17

FOR THE NEGATIVE.

Cock	Johnson	Tiemann
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the conference committee.

Mr. Bowen moved to take from the table the Assembly resolution in the words following :

*Resolved* (if the Senate concur), That the Legislature adjourn *sine die* on Friday, May 10, 1872, at 12 o'clock M.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. D. P. Wood moved to amend said resolution by striking out the words “Tuesday, May 10, 1872, at 12 M.” and inserting in lieu thereof the words “Tuesday, May 14, at half-past five P. M.”

Mr. J. Wood moved to amend the amendment by striking out the words “half-past five,” and inserting the words “six P. M.”

The President put the question whether the Senate would agree to said motion of Mr. J. Wood, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. D. P. Wood, as amended, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

Mr. Harrower moved that the committee on claims be discharged from the further consideration of the bill entitled “An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill, and Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell, and Lorenzo D. Hughson,” and that the same do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Robertson	D. P. Wood
Allen	Foster	McGowan	Tiemann	J. Wood
Benedict	Harrower	O'Brien	Weismann	Woodin
Chatfield	Johnson	Palmer	Winslow	19

FOR THE NEGATIVE.

Bowen	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Dickinson moved that the Senate non-concur in the amendments of the Assembly to the bill entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York," passed May 8, 1868," and that a committee of conference be appointed thereon.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, on the part of the Senate, Messrs. Dickinson, Graham, and Cock.

On motion of Mr. Cock, and by unanimous consent, the Assembly bill entitled "An act to authorize the formation of corporations to provide the members thereof with lots of land suitable for homesteads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Palmer	Winslow
Allen	Dickinson	Lord	Robertson	J. Wood
Baker	Graham	Lowery	Tiemann	Woodin
Benedict	Harrower	Madden	Weismann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Robertson moved that the rules be suspended, and that the Senate reconsider the vote by which the bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," was lost.

The President put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Lewis	Palmer	D. P. Wood
Baker	Foster	Lowery	Robertson	J. Wood

Benedict	Graham	McGowan	Tiemann	Woodin	
Bowen	Harrower	Madden	Weismann		19

FOR THE NEGATIVE.

Chatfield					1
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Murphy	Tiemann	D. P. Wood	
Benedict	Lewis	Palmer	Wagner	J. Wood	
Bowen	Lowery	Robertson	Weismann	Woodin	
Cock	McGowan				17

FOR THE NEGATIVE.

Baker	Dickinson	Foster	Madden	Winslow	
Chatfield					6

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Mnrphy moved that the committee of investigation appointed relative to the above entitled bill, be discharged from the further consideration of the subject.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cock	Harrower	Murphy	Robertson	Wagner	
Graham	Madden	O'Brien	Tiemann	Weismann	10

FOR THE NEGATIVE.

Adams	Bowen	Foster	Lowery	D. P. Wood	
Allen	Chatfield	Johnson	McGowan	J. Wood	
Baker	Dickinson	Lewis	Winslow	Woodin	
Benedict					16

Mr. Madden moved to reconsider the vote just taken, and that said motion be laid upon the table.

The President put the question whether the Senate would agree to said motion to lay on the the table, and it was decided in the affirmative.

The bill entitled "An act authorizing the Canal Commissioners to settle for work done under the contract for raising the towing-path on sections numbers twelve, thirteen, sixteen, twenty-two, and twenty-three of the extension of the Chenango canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	O'Brien	Weismann	
Baker	Dickinson	Lowery	Palmer	D. P. Wood	
Benedict	Foster	McGowan	Wagner	Woodin	
Bowen	Graham	Madden			18

FOR THE NEGATIVE.

Allen	Chatfield	Johnson	Lewis	J. Wood	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the salary of the surrogate of the city and county of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Tiemann	D. P. Wood
Baker	Graham	Murphy	Wagner	J. Wood
Benedict	Lewis	O'Brien	Weismann	Woodin
Chatfield	McGowan	Robertson	Winslow	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to authorize the city of Brooklyn to borrow money and to levy and collect a tax for the repayment of the same, to cover expenditures made by the authorities of said city during the year 1871, and to provide for certain extraordinary expenses in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lowery	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	J. Wood
Benedict	Graham	Murphy	Weismann	Woodin
Cock	Lord	O'Brien	Winslow	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," with a message that they do non-concur in the amendments of the Senate thereto and request a committee of conference thereon, and have appointed as such committee, Messrs. Hart, Tobey, Rice, Alvord and J. Hayes.

Mr. McGowan moved that a committee of conference be appointed on the part of the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee, Messrs. McGowan, Allen and Johnson.

Mr. Palmer moved to reconsider the action of the Senate in the appointment of a committee of conference upon the bill entitled "An act to provide for the settlement of claims against the city and county of New York not embraced within the provisions of chapters 9 and 29 of the Laws of 1872, and to facilitate the settlement and payment of claims under said chapters."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Palmer moved that the Senate concur in the amendments made by the Assembly, as follows :

Amend section 3 by striking out the word "first," in line 6, printed bill, and inserting in lieu thereof the word "second."

Amend section 4 by inserting the word "two" instead of the word "one," in line 15, printed bill, and line 23 of engrossed bill.

Insert as section 9 the following :

"§ 9. The claims for advertising, for which provision is made by chapter three hundred and seventy-five of the laws of eighteen hundred and seventy-two, shall be audited, allowed, and paid within thirty days after the passage of this act. Every claim for publication and advertising of the descriptions stated in said chapter three hundred and seventy-five, actually published prior to the first day of January, eighteen hundred and seventy-two, in any newspaper or other periodical publication in said city and county, shall be audited, allowed, and paid in the manner directed by chapter nine of the laws of eighteen hundred and seventy-two, as amended by said chapter three hundred and seventy-five, at the rates paid for similar advertisements in the same years in which said publications were made, provided such advertisements are shown by affidavit to have been actually published as stated in such claims. The comptroller of said city and county of New York is hereby authorized and directed to issue bonds of the description specified in said chapter nine to raise the necessary money for the payment of all such claims."

Change numbers of sections 9 and 10 to sections numbers 10 and 11.

The President put the question whether the Senate would agree to said motion to concur, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Lowery	Palmer	Winslow
Allen	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	Woodin
Chatfield	Graham	Murphy	Weismann	19

#### FOR THE NEGATIVE.

Bowen	Johnson	Lewis	O'Brien	4
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act for the relief of the Grand street, Prospect park and Flatbush Railroad Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Cock	Harrower	Palmer	Winslow
Allen	Dickinson	Lewis	Robertson	D. P. Wood
Baker	Foster	Lowery	Tiemann	J. Wood
Benedict	Graham	O'Brien	Weismann	Woodin
Chatfield				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Lewis moved to take from the table the following resolutions :

*Resolved*, That the Comptroller be directed to procure and forward to the county treasurers of each of the counties of the State, as many copies of the last report of the "commissioners to revise the laws for the assessment and collection of taxes" as there are assessors in each county, and that the several county treasurers be required to deliver or forward to each of the assessors within their county a copy of said report, and that the Comptroller be required to enclose in each copy of said reports a circular addressed to the assessors requesting them to examine the proposed system of taxation, and to report in writing to the member of the next Legislature elected from their respective Assembly districts, their views of the feasibility of the plan, the amount of valuation which the system will probably produce as compared with the present method, and the degree of uniformity with which the plan can be executed, and such other suggestions as the Comptroller may think proper to make.

*Resolved*, That the Comptroller, and the chairman of the commissioners to revise the laws for the assessment of taxes, be requested to report to the next Legislature, without expense or charge to the State, their joint views and suggestions as to a new system or code of assessment of taxes.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolutions, and it was decided in the affirmative.

Mr. Cock moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the New York and Queens County Bridge Company, for the purpose of constructing and maintaining a bridge over the East river between the city of New York and the county of Queens," and that the same do now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Cock, and by unanimous consent, said bill was amended as follows :

Insert the names of "Robert M. C. Graham, John S. Marcy, Oliver Charlick, Laurence Smith, Henry C. Platt, Charles Hallett, Lyman B. Smith, J. Henry Perkins."

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Johnson	Palmer	D. P. Wood
Baker	Dickinson	Lowery	Perry	J. Wood
Benedict	Foster	Murphy	Wagner	Woodin
Bowen	Graham			

22

#### FOR THE NEGATIVE.

Tiemann

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with an amendment.

The Assembly returned the bill entitled "An act to amend chapter 766 of the Laws of 1871, entitled 'An act to allow the justices of the supreme

court, assigned to hold the general terms thereof in the several judicial departments of this State, to fix the times and places of holding the same,' passed April 27, 1871," with a message that they had passed the same with the following amendments:

Add at the end of section 1 the following: "and provided further that at least one of such terms shall be held in Elmira."

Insert after the word "State," page 2, line 1, engrossed bill, in section 2, the following: "and at least one term shall be designated to be held at Elmira."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Bowen	Graham	Lowery	Robertson	
Allen	Chatfield	Harrower	Madden	Winslow	
Baker	Cock	Johnson	Murphy	Woodin	
Benedict	Foster				17

FOR THE NEGATIVE.

Lewis	J. Wood				2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing of concurrence in their amendments.

The Assembly bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense and entitled the Military Code,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Tiemann	D. P. Wood	
Allen	Dickinson	Madden	Wagner	J. Wood	
Baker	Graham	O'Brien	Weismann	Woodin	
Benedict	Harrower	Robertson	Winslow		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the East Side Association of the city of New York,' passed May 9, 1868," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Madden	Tiemann	D. P. Wood	
Baker	Foster	Murphy	Wagner	J. Wood	
Benedict	Johnson	Palmer	Weismann	Woodin	
Bowen	Lewis	Perry	Winslow		19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Alicia C. O'Brien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	D. P. Wood
Allen	Dickinson	Lewis	Weismann	J. Wood
Baker	Graham	Lord	Winslow	Woodin
Benedict	Harrower			

17

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the repavement and improvement of Henry street between Pierrepont street and Fulton street in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Lewis	Palmer	D. P. Wood
Baker	Dickinson	McGowan	Perry	J. Wood
Bowen	Foster	Madden	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a rapid transit steam ferry between Westchester county and New York city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Tiemann	D. P. Wood
Allen	Foster	Madden	Weismann	J. Wood
Bowen	Graham	O'Brien	Winslow	Woodin
Chatfield	Johnson	Palmer		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	Madden	Tiemann	J. Wood
Chatfield	Johnson	Murphy	Weismann.	Woodin
Cock	Lowery	Palmer	Winslow	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act for the relief of the New York Tunnel Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Winslow
Allen	Cock	Johnson	Perry	D. P. Wood
Baker	Dickinson	Lowery	Wagner	J. Wood
Benedict	Foster	McGowan	Weismann	Woodin
Bowen	Graham	Madden		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the fire department of the village of Watkins," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Murphy	Winslow
Allen	Cock	Johnson	Palmer	D. P. Wood
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Graham	Lowery	Wagner	Woodin
				20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	D. P. Wood
Allen	Cock	Lowery	Robertson	J. Wood
Baker	Foster	McGowan	Weismann	Woodin
Benedict	Graham	Madden	Winslow	19

## FOR THE NEGATIVE.

Johnson

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The committee of conference on the part of the Senate and Assembly on the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported that that they have restored section two of the engrossed bill, with the following amendment added at the end thereof: "Nothing in this act contained shall be construed as to compel the commissioner of any town that has assessed to bond for railroad purposes for any specific line of railroad to surrender the bonds of any such town to any other railroad organized until the assent of a majority of the tax-payer owning a majority of the property appearing upon the assessment roll of said town has been first obtained."

A. C. McGOWAN,  
N. M. ALLEN,  
*Senate Committee.*

E. K. HART,  
T. G. ALVORD,  
F. W. TOBEY,  
GEO. WEST,  
J. HAYES,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin
Chatfield	Graham	Palmer	Winslow	19

**FOR THE NEGATIVE.**

Johnson	Lewis	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Baker moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to incorporate the United States Loan and Security Company," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Graham	O'Brien	D. P. Wood
Allen	Cock	Harrower	Palmer	J. Wood
Baker	Dickinson	Lewis	Wagner	Woodin
Benedict	Foster	McGowan	Weismann	19

**FOR THE NEGATIVE.**

Johnson	Lowery	Tiemann	1
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Tiemann	Winslow
Baker	Dickinson	O'Brien	Wagner	J. Wood
Benedict	Graham	Palmer	Weismann	Woodin
Chatfield	Harrower	Robertson		

18

## FOR THE NEGATIVE.

Johnson      Lewis

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That 2,000 copies of the report of the Superintendent of Public Instruction, in the usual form, 500 of which to be bound in cloth, be printed for distribution by that officer, and one for each school commissioner in the State, and 500 be bound in cloth for the use of this House.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Robertson	Weismann
Allen	Cock	Lowery	Tiemann	Winslow
Baker	Dickinson	McGowan	Wagner	Woodin
Benedict	Foster	Perry		

18

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That 500 copies of the annual reports of each of the Normal schools of the State, not already printed, be printed for the use of said schools.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Wallabout improvement in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Madden	D. P. Wood
Baker	Dickinson	Lewis	Robertson	J. Wood
Bowen	Foster	Lowery	Wagner	Woodin
Chatfield	Graham	McGowan	Weismann	

19

## FOR THE NEGATIVE.

Murphy      Tiemann

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds, and fish,' passed April 26, 1871," with a message that they had passed the same, with the following amendments:

Section 1, line 9, strike out the word "and," and after the word "November" insert the words "and December."

Same section, line 11, strike out the word "and," and after the word "December" insert the words "and January."

Section 2, line 2, after the words "Crooked lake," insert the words "Honeoye lake."

Add as section 3 the following:

"§ 3. Section 4 of said act is hereby amended so as to read as follows:

"§ 4. No person shall sail, except upon Chautauqua lake, in the county of Chautauqua, for any wild fowl, or shoot at any wild goose, brunt, or duck from any vessel propelled by steam or sails, or from any boat or other structure attached to the same, under a penalty of ten dollars."

Change section number 3 to number 4.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	D. P. Wood
Allen	Cock	Lowery	Robertson	J. Wood
Baker	Dickinson	McGowan	Weismann	Woodin
Benedict	Harrower	Madden	Winslow	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The committee of conference appointed by the two Houses upon the matters in difference upon the bill entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York," passed May 8, 1868," reported that they have met and deliberated thereon, and have agreed to recommend that the Assembly recede from their amendments to said bill.

W. S. DICKINSON,  
J. H. GRAHAM,  
TOWNSEND D. COCK,  
*Senate Committee.*

D. L. BABCOCK,  
J. PRESTON,  
D. A. MOORE,  
I. H. BABCOCK,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Madden	Winslow
Baker	Cock	Lewis	Palmer	D. P. Wood
Benedict	Dickinson	Lord	Robertson	J. Wood
Bowen	Graham	McGowan	Tiemann	Woodin

*Ordered*, That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The Assembly returned the bill entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," with a message that they had passed the same with the following amendments :

Strike out all after the the enacting clause and insert the following :

"SECTION 1. Whenever complaint in writing, signed by three free holders of any town of this State, shall be made to a commissioner of highways of any town through which, or through any part of which, any plank-road or turnpike road has been laid out and constructed, and on which tolls are charged, that any portion of such road, lying within the limits of such town, is out of repair and is not constructed and kept in repair as required by the several laws under and by virtue of which such road has been constructed, it shall be the duty of such highway commissioner, and he is hereby required to immediately proceed to examine and inspect any part of such road in reference to which such complaint has been made, and if upon such examination and inspection he shall deem it necessary for the interest of the town and the travelling public, he shall notify the toll-gatherer nearest to the portion of such road so determined to be out of repair, in writing, stating the fact that such complaint has been made, and as near as may be, setting forth the portion of the road deemed by him out of repair, and shall also serve a similar notice upon one of the plank-road inspectors of the county in which such town is situated, who shall, within three days thereafter, proceed to inspect the portion of the road so complained against, and if he shall find the road still out of repair he shall, by virtue of his office, by a notice in writing, served on the toll-gatherer, direct that the toll-gate shall be thrown open, and that no tolls shall be charged until such repairs shall be made on such road.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	Madden	Tiemann	D. P. Wood	18
Allen	Harrower	Murphy	Weismann	J. Wood	
Chatfield	Johnson	O'Brien	Winslow	Woodin	
Cock	Lewis	Robertson			

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Perry	Winslow	19
Allen	Chatfield	Lord	Robertson	D. P. Wood	
Baker	Dickinson	Madden	Wagner	Woodin	
Benedict	Graham	Palmer	Weismann		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The Assembly returned the following resolution, with a message that they had concurred in the amendment of the Senate thereto :

*Resolved* (if the Senate concur), That this Legislature adjourn *sine die* on Friday, May 10, at 12 o'clock M. on that day.

The Assembly returned the bill entitled "An act to consolidate the government of the city and county of New York, and further to regulate the same," with a message that they had concurred in the passage of the same with the following amendments:

Amend title: first line, after the word "the" insert the words "government of the." Second and third lines, after the word "and" in the second line, strike out all the remaining part of the title, and insert the words, "further to regulate the same."

Section 1, lines one and two, strike out the word "hereafter."

Section 2, insert after the word "same," second line, as follows: "and shall be performed by said corporation; all claims which elsewhere would be county charges shall be charges against the said corporation, and shall be defrayed by it; all bonds, stock, contracts, and other obligations authorized or required to be issued or entered into by or for or in the name of the said county shall be issued or entered into by or in the name of said corporation; all the powers and duties of the supervisors of said county are hereby given to the said corporation and shall be exercised by it, and in no other manner except as hereinafter provided."

Section 2, line 6, after the word "the" strike out the word "constitution."

Same section, after the word "the" strike out the word "constitution."

Same section, after the word "manner" in seventh line, insert the word "under any power by this act or otherwise."

Same section, line 8, after the word "shall" strike out the remainder of the section, and insert the words, "be declared by law to be the supervisors."

Section 4, line 4, after the word "and" strike out the words "no such officer shall hold" and insert in lieu thereof the following: "the office of every such officer shall immediately become vacant if he shall accept or hold under any administration or government whatever."

The President put the question whether the Senate would agree concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Wagner
Allen	Cock	Lowery	Perry	Weismann
Baker	Dickinson	McGowan	Robertson	Winslow
Benedict	Foster	Madden	Tiemann	Woodin
Bowen	Graham			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly bill entitled "An act relative to the medical laws of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Adams	Dickinson	Lord	Perry	Weismann
Allen	Foster	Lowery	Robertson	Winslow
Baker	Harrower	McGowan	Tiemann	J. Wood
Benedict	Johnson	O'Brien	Wagner	Woodin
Bowen	Lewis	Palmer		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

Mr. Perry asked unanimous consent to offer the preamble and resolutions of the committee of fifty, of the city of Brooklyn, requesting the appointment of a committee to sit during the recess of the Legislature to investigate into the affairs of the New York Bridge Company, and of the Board of Water and Sewerage, and other commissions of the city of Brooklyn, and to report the result of such investigation at the next session of the Legislature.

Objections being made, the President decided that the resolutions were out of order, and could not be entertained.

Messrs. Fort and Couchman, a committee on behalf of the Assembly, appeared and informed the Senate that the Assembly had completed its business, and were ready to adjourn.

The Assembly bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Weismann
Allen	Cock	McGowan	Perry	D. P. Wood
Baker	Dickinson	Madden	Robertson	J. Wood
Benedict	Graham	Murphy	Wagner	Woodin
				20

FOR THE NEGATIVE.

Bowen	1
-------	---

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish police courts, courts of special sessions, and district courts in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	McGowan	Perry	D. P. Wood
Baker	Dickinson	Madden	Tiemann	J. Wood
Benedict	Johnson	Murphy	Wagner	Woodin
Bowen	Lewis	Palmer	Weismann	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly returned the bill entitled "An act in relation to expenses in opening streets and for local improvements in the city of New York," with the following amendments:

Section 1, line 7, strike out the word "as" and substitute the words "not exceeding for each commissioner the fees."

Section 2, line 1, insert after the word "act" the words "except as hereinafter provided."

Section 2, line 2, strike out the word "board" and substitute the word "department."

Add to section 3 as follows: "and interest upon each and every payment on account thereof, from and after the day of payments, and the expenses of all necessary engineers, surveyors and inspectors, and their assistants, all of which shall be included in said assessment list."

Section 3, line 1, strike out the word "board" and substitute the word "department."

Section 3, line 2, after the word "city" insert the words "except as hereinbefore provided."

Add to section 3 as follows: "provided that the charges and expenses of local improvements and other public work already completed, or now in progress, shall be assessed upon the property benefitted thereby as now provided by law."

Section 4, strike out all after the word "city" in line 4, and substitute the words "heretofore commenced."

Insert the following sections:

"§ 4. It shall be the duty of the counsel to the corporation, for and in the name of the mayor, aldermen and commonalty of the city of New York, and for public use, to acquire title to all streets, avenues and public places in said city now established by law, and all parts of such streets, avenues and public places, the title to which has not been already acquired for public use, except the streets, avenues and public places, and parts thereof, which have been closed by law, or for which commissioners have been heretofore appointed, and for that purpose to apply at the opening of the first general term of the supreme court, in the first department, commenced after the fifteenth day of July next, for the appointment of the commissioners of estimate and assessment for such streets, avenues and public places, and such parts thereof, and the said court shall appoint the commissioners for that purpose, who shall have, except as herein otherwise provided, all the powers and perform all the duties in respect to all such streets, avenues and public places, and parts thereof, that such commissioners would have by law if appointed in the case of each street, avenue or public place, or parts thereof, and all existing provisions of law in respect to opening streets, avenues and public places in said city, and acquiring title for public use to the land forming the same, shall, so far as the same are applicable, apply to the proceedings hereby authorized, except as herein otherwise provided."

"§ 5 The board of appointment constituted by chapter 583 of the Laws of 1871, shall apportion and appropriate to the law department and to the department of public works, such additional amounts as may be necessary for the year 1872, to enable the said departments to carry out the provisions of this act, which amount shall be added to the amount of tax the said board are now authorized to fix, and shall be raised in addition thereto, in the manner provided by said chapter 583, and the acts amendatory thereof."

Renumber sections "4 and 5" as sections "6 and 7."

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Robertson	D. P. Wood
Baker	Foster	Madden	Tiemann	J. Wood
Benedict	Johnson	Palmer	Wagner	Woodin
Bowen	Lewis	Perry	Weismann	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend the charter of the city of Brooklyn."

"An act creating a Board of Commissioners of Emigration, and conferring therein certain powers and duties."

"An act to provide for a commission to propose amendments to the Constitution."

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

"An act to authorize the city of Brooklyn to borrow money and to levy and collect a tax for the repayment of the same to cover expenditures made by the authorities of said city during the year 1871, and to provide for certain extraordinary expenses in said city."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the report of the committee of conference thereon, respectively :

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

"An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868."

"An act to establish a board of health in and for the city of Brooklyn and county of Kings."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bills entitled as follows :

"An act to amend an act entitled 'An act to incorporate the New York Loan and Improvement Company,' passed May 6, 1870."

"An act in relation to the publication of notices and citations."

"An act to amend chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' by providing for the audit and payment of additional claims."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same :

"An act to extend the jurisdiction of the board of health of the city of Brooklyn, in times of epidemic or pestilence, throughout the county of Kings."

"An act to amend the Laws of 1871, entitled 'An act to incorporate the trustees of the estate belonging to the diocese of Long Island, and to authorize said corporation to acquire and hold land for religious, charitable, and benevolent purposes.'"

The Assembly bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Alicia C. O'Brien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Johnson	Perry	D. P. Wood
Allen	Dickinson	Lewis	Weismann	J. Wood
Baker	Graham	Lord	Winslow	Woodin
Benedict	Harrower			

17

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to provide for the repavement and improvement of Henry street between Pierrepont street and Fulton street in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	O'Brien	Winslow
Allen	Cock	Lewis	Palmer	D. P. Wood
Baker	Dickinson	McGowan	Perry	J. Wood
Bowen	Foster	Madden	Weismann	Woodin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to establish a rapid transit steam ferry between Westchester county and New York city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Dickinson	McGowan	Tiemann	D. P. Wood
Allen	Foster	Madden	Weismann	J. Wood
Bowen	Graham	O'Brien	Winslow	Woodin
Chatfield	Johnson	Palmer		

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Graham	McGowan	Robertson	D. P. Wood
Baker	Harrower	Madden	Tiemann	J. Wood
Chatfield	Johnson	Murphy	Weismann.	Woodin
Cock	Lowery	Palmer	Winslow	19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passge of the same.

The Assembly bill entitled "An act for the relief of the New York Tunnel Company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Harrower	Palmer	Winslow
Allen	Cock	Johnson	Perry	D. P. Wood
Baker	Dickinson	Lowery	Wagner	J. Wood
Benedict	Foster	McGowan	Weismann	Woodin
Bowen	Graham	Madden		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

The bill entitled "An act to incorporate the fire department of the village of Watkins," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Harrower	Murphy	Winslow
Allen	Cock	Johnson	Palmer	D. P. Wood
Baker	Dickinson	Lord	Tiemann	J. Wood
Benedict	Graham	Lowery	Wagner	Woodin
				20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Adams	Chatfield	Lewis	Perry	D. P. Wood
Allen	Cock	Lowery	Robertson	J. Wood
Baker	Foster	McGowan	Weismann	Woodin
Benedict	Graham	Madden	Winslow	19

FOR THE NEGATIVE.

Johnson	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.



The committee of conference on the part of the Senate and Assembly on the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported that that they have restored section two of the engrossed bill, with the following amendment added at the end thereof: "Nothing in this act contained shall be construed as to compel the commissioner of any town that has assessed to bond for railroad purposes for any specific line of railroad to surrender the bonds of any such town to any other railroad organized until the assent of a majority of the tax-payer owning a majority of the property appearing upon the assessment roll of said town has been first obtained."

A. C. McGOWAN,  
N. M. ALLEN,  
*Senate Committee.*

E. K. HART,  
T. G. ALVORD,  
F. W. TOBEY,  
GEO. WEST,  
J. HAYES,  
*Assembly Committee.*

The President put the question whether the Senate would agree to the report of the conference committee, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Allen	Cock	Lowery	Robertson	D. P. Wood
Baker	Dickinson	McGowan	Tiemann	J. Wood
Benedict	Foster	O'Brien	Weismann	Woodin
Chatfield	Graham	Palmer	Winslow	19

**FOR THE NEGATIVE.**

Johnson	Lewis	2
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*Ordered,* That the Clerk deliver said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Baker moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to incorporate the United States Loan and Security Company," was lost.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to reconsider the vote upon said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Adams	Chatfield	Graham	O'Brien	D. P. Wood
Allen	Cock	Harrower	Palmer	J. Wood
Baker	Dickinson	Lewis	Wagner	Woodin
Benedict	Foster	McGowan	Weismann	19

**FOR THE NEGATIVE.**

Johnson	Lowery	Tiemann	1
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The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Adams	Cock	Madden	Tiemann	Winslow
Baker	Dickinson	O'Brien	Wagner	J. Wood
Benedict	Graham	Palmer	Weismann	Woodin
Chatfield	Harrower	Robertson		

18

FOR THE NEGATIVE.

Johnson	Lewis
---------	-------

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That 2,000 copies of the report of the Superintendent of Public Instruction, in the usual form, 500 of which to be bound in cloth, be printed for distribution by that officer, and one for each school commissioner in the State, and 500 be bound in cloth for the use of this House.

By unanimous consent, the rule was suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Adams	Bowen	Johnson	Robertson	Weismann
Allen	Cock	Lowery	Tiemann	Winslow
Baker	Dickinson	McGowan	Wagner	Woodin
Benedict	Foster	Perry		

18

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

A message from the Assembly was received and read, as follows:

*Resolved* (if the Senate concur), That 500 copies of the annual reports of each of the Normal schools of the State, not already printed, be printed for the use of said schools.

By unanimous consent the rule was suspended, in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

By unanimous consent, the rule was suspended, and the Clerk ordered to return said resolution to the Assembly immediately, with a message informing that the Senate have concurred in the passage of the same.

The Assembly bill entitled "An act in relation to the Wallabout improvement in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Allen	Cock	Harrower	Madden	D. P. Wood
Baker	Dickinson	Lewis	Robertson	J. Wood
Bowen	Foster	Lowery	Wagner	Woodin
Chatfield	Graham	McGowan	Weismann	

19

FOR THE NEGATIVE.

Murphy	Tiemann
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same.

laying out Staten Island, and for securing a water supply for the inhabitants thereof."

"An act to provide for the repavement and improvement of Henry street between Pierrepont street and Fulton street in the city Brooklyn."

"An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869."

"An act to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law, and to raise money therefor, by an issue of the bonds of the State, and to provide for submitting the question thereon to the people."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Murphy moved that a committee of two be appointed to wait upon the Governor and inform him that the Senate had completed its business and were ready to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Murphy and Robertson.

Mr. Bowen moved that a committee of two be appointed to wait upon the Assembly and inform that body that the Senate had completed its business and were ready to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee Messrs. Bowen and Cock.

Mr. Winslow offered the following:

*Resolved*, That the thanks of the members of the Senate are due and are hereby tendered by them to Lieut. Gov. Allen C. Beach, for the ability, dignity, and unswerving impartiality with which he has discharged his duties as presiding officer of this body, and that he carries with him our warmest wishes for his future happiness and prosperity.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Murphy offered the following:

*Resolved*, That the thanks of the Senate be tendered to Hon. William B. Woodin, for the prompt, urbane, and impartial manner in which he has discharged the duties of President *pro tem.* of the Senate during the present session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Cock offered the following:

*Resolved*, That the thanks of the Senate be and are hereby tendered to Charles R. Dayton, Clerk of the Senate, for the fidelity and promptitude with which he has discharged the important duties of his office, and that we hereby express to him our approbation for his uniform courtesy and attention to the wishes of the members of this body.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Murphy, from the committee appointed to wait upon the Governor, reported that they had performed the duty imposed upon them, and that the Governor informed them that he had no further business to communicate to the Senate.

Mr. Dickinson offered the following :

*Resolved*, That the thanks of the Senate be and is hereby extended to the assistant and other clerks of the Senate for the prompt and energetic manner in which they have performed the duties of their various positions.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bowen, from the committee appointed to wait upon the honorable the Assembly, reported that they had performed the duty imposed upon them.

The hour of six o'clock having arrived, the Hon. Wm. B. Woodin, President *pro tem.*, declared the Senate adjourned *sine die*.

CHARLES R. DAYTON, *Clerk.*



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